

United States  
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Circuit Court of Appeals  
For the Ninth Circuit.

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NATIONAL LABOR RELATIONS BOARD,  
Petitioner,  
vs.

J. G. BOSWELL COMPANY and CORCORAN  
TELEPHONE EXCHANGE,  
Respondents.

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Transcript of Record

In Seven Volumes

VOLUME V

Pages 1939 to 2433

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PAUL P. O'BRIEN,  
CLERK

Upon Petition for Enforcement of An Order of the  
National Labor Relations Board



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Mr. Walsh: Mr. Boyett, please.

J. B. BOYETT

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Walsh): Will you state your full name, please?      A. J. B. Boyett.

Q. Where do you live, Mr. Boyett?

A. Corcoran.

Q. And what is your business or occupation?

[1379]

A. Insurance and farming.

Q. How long have you lived in Corcoran?

A. Fourteen years—fifteen years.

Q. You have engaged in the insurance business and farming all that time?

A. Farming about six years—seven years; insurance about five.

Q. Which occupation takes the most of your time, Mr. Boyett?

A. I would say about 50-50.

Q. How many acres do you farm?

A. Twelve hundred.

Q. And what are the crops that you raise?

A. Cotton, grain, alfalfa.

Q. And what is the insurance business that you engage in? Is that life insurance?

A. General; a general line.

Q. Life, accident, fire, hail, windstorm?

(Testimony of J. B. Boyett.)

A. Not hail. We don't have hail here.

Q. You don't have hail?

Mr. Clark: Not in this country.

Mr. Walsh: I farmed in a different country.

Q. Mr. Boyett, I believe you were served with a subpoena to produce certain records in your capacity as the president of the Associated Farmers.

Mr. Clark: I object to that on the ground it is not shown— [1380] the gentleman has not been asked yet whether he is or not the president.

Mr. Walsh: I asked him if he was served with a subpoena in that capacity. I won't quarrel with you.

Q. Mr. Boyett, I believe you are the president of the Associated Farmers of Kings County, are you?

A. I am.

Q. And you received a subpoena calling for the production of certain records of that organization?

A. I did.

Q. Do you have those records here?

A. My attorney has them.

Mr. Walsh: Will you produce them at this time?

Mr. Clark: All right.

At this time, Mr. Examiner, for the record I would like to make the following return to the subpoena directed to the Associated Farmers of Kings County, Inc., and J. B. Boyett, president, dated May 6th, 1939.

Mr. Walsh: That number is 12161?

Mr. Clark: 12161 is correct, Mr. Walsh.

(Testimony of J. B. Boyett.)

By way of response to Paragraph 1, calling for the Articles of Incorporation of the Associated Farmers of Kings County, Inc., August, 1938, I will state that there is no such document in existence, but I am submitting to counsel for the Board a certified copy of the Articles of Incorporation [1381] of the Associated Farmers of Kings County, Inc., filed on October 18th, 1938, with the Secretary of the State of this State, and signed by the organizers of that association under date of September 29th, 1938, and acknowledged on the last mentioned date before a Notary Public by the organizers——

Mr. Walsh (Interrupting): If counsel will——

Mr. Clark (Interrupting): Just a moment—to which is attached the certificate of the Secretary of State of this State certifying to the genuineness of it, and a further communication from the Franchise Tax Commissioner giving this organization the rating of a non-profit corporation, which I would like to be kept with that Exhibit, Mr. Walsh.

Mr. Walsh: If counsel will state to me that this is the Articles of this corporation——

Mr. Clark (Interrupting): A certified copy.

Mr. Walsh (Continuing): ——under which the Associated Farmers of Kings County, Inc. were operating during the periods under investigation in this proceeding, I will accept them.

Mr. Clark: That is correct, is it not, Mr. Boyett?

(Testimony of J. B. Boyett.)

The Witness: That is correct.

Mr. Walsh: Thank you.

Mr. Clark: Very well.

In response to the second call of the subpoena, being for the by-laws of the Associated Farmers of Kings County, Inc., I now hand to counsel for the Board the original by-laws which [1382] are signed by the Directors of the organization under date of September 29th, 1938.

(The document referred to was passed to Mr. Walsh.) [1383]

Mr. Walsh: Mr. Clark, do you have copies of these?

Mr. Clark: We will make some arrangement with you later so far as copies are concerned. I haven't got copies now.

Mr. Walsh: Thank you.

Mr. Clark: In response to the third call, being the membership list of all members and former members of the Associated Farmers of Kings County, Inc., I hand counsel for the Board a list which I have had prepared since the commencement of the present hearing and concerning which I would like to ask Mr. Boyett a few questions, if I may, for the record.

Mr. Walsh: Certainly.

#### Voir Dire Examination

Q. (By Mr. Clark) Mr. Boyett, I will show you what purports to be a list of members of the Associated Farmers of Kings County dated as of

(Testimony of J. B. Boyett.)

March 1st, 1938. May I ask you whether or not that was prepared under your direction?

A. (Examining document) Yes.

Q. Now, does that list contain the names of all persons who have ever been members of the Associated Farmers of Kings County since its organization and up to March 1st of this year?

A. It does.

Mr. Clark: Very well.

Mr. Walsh: Off the record. [1384]

(Discussion outside the record.)

Mr. Clark: I think there are certain members called associate members. I don't know whether it does indicate that.

Q. There have been no members dropped out, have there? A. No.

Q. In other words, persons are entitled to membership upon the payment of the annual dues, is that right? A. That is right.

Q. And people who appear on this list, are those who have paid dues? A. Paid for 1939.

Q. And the organization is less than a year old, is that correct? A. That is correct.

Q. Now you have a distinction too as between your regular members who are engaged in farming operations——

A. (Interrupting): That is right.

Q. (Continuing) ——and so-called associate members, is that true? A. That is true.

Q. Is there any record we can get which will



(Testimony of J. B. Boyett.)

show who the associate members are, or would that appear only on their cards?

A. I can't answer that question, Mr. Clark. [1385]

Q. These include both the regular members and the associate members, is that right?

A. Mr. Botts is here.

Q. Mr. Bottis is who? Is he the secretary?

A. Mr. Botts is secretary-treasurer.

Mr. Clark: Very well. With that one reservation we submit that list to you in response to the third call of the subpoena.

Mr. Walsh: All right. Thank you.

(The document referred to was passed to Mr. Walsh.)

Mr. Clark: Now, as to the fourth call, we are taking a position, Mr. Examiner, and Mr. Walsh, that the call is too general to be enforceable. In other words, it is a call for minute books or other records containing all records of the meetings of members, board of directors, the executive committee, or other committees, from the date of the organization of the Associated Farmers of Kings County, Inc., to the date hereof, and I don't propose, unless forced to do so by the Federal Court, to produce all of the records for the organization.

But I will make this statement for the record, and I will verify it by the witness under oath, first, there is no minute book, that there are minutes of certain meetings kept on separate sheets of paper,

(Testimony of J. B. Boyett.)

all of which have been turned over to me by Mr. Boyett; that those are meetings of [1386] the directors of the organization; and that there are no minutes of any executive committee or any other committee; and further, that among those minutes the only one which in any way mentions any of the matters under investigation here is the minutes of a meeting of Thursday, January 26, 1939, at Peden's Cafe in Hanford, and which I will gladly turn over to counsel. I am standing on it, and I will mark the portion on which I want to indicate to your attention.

And as to the rest of the minutes, of course, we take the position that we aren't under any duties to submit them.

Mr. Walsh: Will you submit this to me, and maybe save us all a lot of difficulty, that you have examined the minutes of the directors' meetings since the inception of this organization and that the only reference to matters under investigation in this proceeding are contained in the minutes of January 26, 1939?

Mr. Clark: I will make that statement, and that is entirely true, that the only reference in any way, shape or form to any fact or piece of evidence even that has been admitted in this proceeding is contained opposite the check mark in the minutes that I have handed you.

Mr. Walsh: I will then accept this as the return of call 4 of the subpoena.

(Testimony of J. B. Boyett.)

Mr. Clark: With respect to call 5 which is with respect to copies of all books, pamphlets, literature, and [1387] printed or mimeographed matter distributed or sold by the Associated Farmers of Kings County, Inc., to its members with regard to labor organizations or labor relations or both, of course irrespective of the generalities of it, I will make this statement for the record and ask the witness to corroborate it: No literature has been sold or distributed to anyone by the Associated Farmers of Kings County, Inc.

Is that true?

The Witness: No.

Mr. Clark: The answer is no?

The Witness: No.

Mr. Clark: Now, in response to that call, I will hand you first a printed document entitled "Declaration of Policy for Agricultural Labor" endorsed by the Associated Farmers of Kings County, Inc., and second, a pamphlet entitled "The Associated Farmers of California," and I will ask you, Mr. Boyett, whether I am correct in stating that with the exception of the copy of the state bulletin which I showed you those two documents which I have handed to Mr. Walsh are the only things sent out to your membership.

The Witness: That is correct.

Mr. Clark: That is call No. 5. All right.

Mr. Walsh: May I ask a question while we are on that?



(Testimony of J. B. Boyett.)

Mr. Clark: Yes.

Mr. Walsh: Mr. Boyett, this publication which is en- [1388] titled "From Apathy to Action" which is published by a State publication, that goes to all of your members as well?

The Witness: Yes.

Mr. Clark: That is direct from the state organization?

The Witness: Yes.

Mr. Walsh: You have nothing to do with that except supply the names to the state publication?

The Witness: That publication has been changed to the Associated Farmers.

Mr. Walsh: The name of the publication is changed?

The Witness: Yes.

Mr. Clark: Now, in response to the last call of the subpoena, I want to ask the witness a couple of questions.

Q. I show you, Mr. Boyett, what purports to be a printed communication in which the opening sentence is: "You are eligible for membership in the Associated Farmers of Kern County, Inc.," and I will ask you whether or not you have ever seen that before.

A. (Examining document) I have.

Q. Now, am I correct in stating that a similar document similar in all respects to the one which you have identified except that the words "Associated Farmers of Kings County, Inc.," was sent

(Testimony of J. B. Boyett.)

out to various persons in this county by this organization? A. That is true. [1389]

Mr. Clark: And that comes in with the two documents I have just handed you, with that one change, Mr. Walsh.

The next call of the subpoena, being 6, calls for copies of all books, pamphlets, literature, and printed or mimeographed matter furnished by the Associated Farmers of California, Inc., to the Associated Farmers of Kings County, Inc., to be used by the latter, or to be distributed to the latter's members, with regard to labor organizations or labor relations or both, or with regard to the organization of county affiliates of the Associated Farmers.

In that connection, I will make the statement that there is a raft of stuff, general mimeographed information in bulk, may it please your Honor, which I don't propose to produce. It has nothing to do with this case, and the only thing which in any manner bears on this controversy by any stretch of the imagination or any evidence produced here is a copy of the bulletin of the Associated Farmers of California, Incorporated, entitled "From Apathy to Action," being the issue of February 15, 1939, in which there is an article concerning the Boswell situation and referring to it as happening a little over a week ago.

Mr. Walsh: Now, if counsel will state to me that he is familiar with the publications issued by the As-

(Testimony of J. B. Boyett.)

sociated Farmers of California, Inc., and that the only reference to the current matter under investigation appears in this [1390] bulletin, volume I, No. 76, published February 15, 1939, the title of the bulletin being "From Apathy to Action," I will accept that as being a return to that paragraph in the subpoena.

Mr. Clark: I will have to make my answer this way, Mr. Walsh: I am generally familiar with the character of the material that goes out from the State office, and so far as I know, the bulletin which I have handed you is the only thing which in any way refers to this particular controversy.

Q. But may I ask you, Mr. Boyett, if there is anything other than the issue of the bulletin which I have just handed Mr. Walsh which has come to you from the State organization concerning this controversy?

A. None at all. That is the only thing I have knowledge of.

Mr. Walsh: I will accept that as a return to paragraph 6 of the subpoena.

Mr. Clark: Now, the seventh call is for a record of all receipts, showing from whom received, and expenditures showing to whom paid, from the date of the organization of the Associated Farmers of Kings County, Inc., to date hereof, which I suppose is a call for all of the financing of this particular organization.

Mr. Walsh: That is correct.

(Testimony of J. B. Boyett.)

Mr. Clark: And in which respect I will produce, Mr. [1391] Walsh, what purports to be a financial report as of November 22nd, 1938, which is the most recent thing I could get.

Mr. Walsh: What was the date?

Mr. Clark: November 22nd, 1938. And which shows first the amount of contributions from members and, secondly, indicates what I think you are interested in, and that is a contribution by J. G. Boswell Company in the sum of \$235.55, which was made direct to the state organization, among others.

And with that I also want to produce as explanatory of it a copy of a letter purportedly written by Robinson of the Boswell Company to Camp, treasurer of the Associated Farmers of California, explaining to what matter—to what items a check is applicable and which you see gets us the \$235.55 which the first statement I have handed you shows was contributed by Boswell Company for that year to the state organization and credited to the assessment of the Kings County Association.

If you want to follow up beyond that the assessments from individuals—or rather the payments by individual members—I don't see them on here—I think you can get that information from the witness on the stand.

Mr. Walsh: I will accept provisionally the return to 7. We can probably work something out that will satisfy that particular thing so we won't quarrel seriously about it [1392] at this time.

(Testimony of J. B. Boyett.)

Mr. Clark: I don't think so. We can put the secretary on the stand if you want to go any further with it.

Q. Now, responding to paragraph 8 of the subpoena, Mr. Boyett, I will ask you whether or not you have in your possession or in any way under your control any correspondence from the Associated Farmers of Kings County, Incorporated to the Associated Farmers of California, or vice versa, or between the Associated Farmers of Kings County and the Sheriff of Kings County, District Attorney of Kings County, Chiefs of Police of Corcoran and Hanford, State Bureau of Criminal Identification, or any of those agencies, relative to the identification or investigation of any person engaged in organizing trade unions involving any of the persons who have been named in the proceedings?

A. I have not.

Mr. Clark: All right.

Mr. Walsh: May I ask a question or two?

Mr. Clark: Yes, go ahead.

The Witness: Pardon me. I will qualify that. There might be a letter or two of some routine business with the state organization that we might dig up that has no bearing on it.

Mr. Walsh: You do find it necessary to correspond with the State Office, don't you? [1393]

The Witness: Yes.

Mr. Walsh: Do you know, Mr. Boyett, whether during this period, we will say from the beginning



(Testimony of J. B. Boyett.)

of your organization last September up until now you have had any occasion to correspond with the state organization concerning Mr. Prior, for instance?

The Witness: None whatever; no sir.

Mr. Walsh: Do you know of any of the other officers of the local organization who might correspond with the state organization about Mr. Prior?

The Witness: No, I don't.

Mr. Walsh: Or with any of these other officers named such as the Sheriff or District Attorney or the Chief of Police or Corcoran or Hanford?

The Witness: No, I haven't.

Q. (By Mr. Clark) Mr. Boyett, we are taking both the spirit and the letter of your answer; and the thing we want to know is this: Whether or not there has been any correspondence between you and any other officer of the Associated Farmers of Kings County to your knowledge with respect to this matter which is under investigation with any of these agencies which I have named.

A. None.

Mr. Walsh: All we want to know is what the facts are, Mr. Boyett. [1394]

Mr. Clark: On the last call, Mr. Walsh, correspondence from date of organization of Associated Farmers of Kings County, Inc., to the date hereof with J. G. Boswell Company relating to financial contributions, labor policy, labor relations, labor disputes, or labor disturbances, I would like to check and have until morning to respond to that.

(Testimony of J. B. Boyett.)

Mr. Walsh: That is satisfactory with me.

Mr. Clark: That is all except the response to the seventh call and the ninth.

Mr. Walsh: That is correct.

Do you desire to have these identified formally?

Mr. Clark: I wish you would identify them and then we can make some arrangement for the return to these people, photostatic copies, or something like that.

Direct Examination  
(Continued)

Q. (By Mr. Walsh) Mr. Boyett, I will hand you a document which I have marked for identification as Board's Exhibit 9 and ask you to tell me what that is, please.

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 9 for identification.)

The Witness: (Examining document) It is the articles of incorporation of the Associated Farmers of Kings County, Incorporated.

Q. (By Mr. Walsh) There are other documents attached to it, are there not? [1395]

A. Yes, there is a certification by Frank C. Jordan, Secretary of State, and a letter of transmittal of that document.

Mr. Walsh: I would like to offer that at this time as Board's Exhibit 9.

Mr. Clark: No objection, except on our general

(Testimony of J. B. Boyett.)

objection as to the jurisdiction of the Board, but not as far as the authentication is concerned.

Trial Examiner Lindsay: Board's Exhibit 9 received in evidence.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 9.)

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BOARD'S EXHIBIT No. 9

Chas. J. McColgan  
Commissioner

State of California  
Office of  
Franchise Tax Commissioner  
Sacramento  
205 Plaza Building

October 18, 1938

Associated Farmers of California Inc.,  
472 Russ Bldg.  
San Francisco, California.

Re: Associated Farmers of Kings County Inc.

Gentlemen:

The above named non-profit organization shall not be taxed under the provisions of the Bank and Corporation Franchise Tax Act and need not file an annual return or any further showing with respect to its status under such Act, unless it changes



(Testimony of J. B. Boyett.)

the character of its organization or operation, or the purpose for which it was organized.

Yours very truly,

CHAS. J. McCOLGAN

Franchise Tax Commissioner

By BURL D. LACK

Franchise Tax Counsel.

BDL:ER

CC—Mr. M. W. McDonald

CC—Mr. J. P. Hollings

[Endorsed]: Filed 6-1-39.

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Q. (By Mr. Walsh) I will hand you a document which has been marked for identification as Board's Exhibit 10, and will you tell me what that is, please?

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 10 for identification.)

The Witness (Examining document): That is the by-laws of the Associated Farmers of Kings County, Incorporated.

Q. (By Mr. Walsh) Mr. Boyett, are those the by-laws under which you are currently operating?

A. Yes, sir.

Q. Have there been any amendments to the by-laws that are not reflected in that document?

A. There is one minor amendment I believe in the third [1396] meeting. It is minor.

(Testimony of J. B. Boyett.)

Q. Do you recall generally what it was?

A. I don't.

Mr. Clark: Can we get a copy of it and produce it in the morning?

The Witness: It is in there (Indicating). It is immaterial. It is short. There is one amendment that doesn't appear.

Mr. Walsh: I would like to offer as Board's Exhibit 10 the by-laws of the Associated Farmers of Kings County.

Trial Examiner Lindsay: No objection to Board's Exhibit 10 except the general one?

Mr. Clark: Except the general one on the ground the Board has no jurisdiction over this organization.

Mr. Walsh: I will so stipulate as to the general subject matter.

Trial Examiner Lindsay: Board's Exhibit 10 received in evidence.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 10.)

Mr. Clark: Included in that objection I would like the record to show it is our position, Mr. Examiner, that this organization, the Associated Farmers of Kings County, is not an employer within the meaning of the Act.

Mr. Walsh: I will stipulate that that may also run to [1397] the entire line of inquiry.

Mr. Clark: You are directing my attention, Mr.

(Testimony of J. B. Boyett.)

Boyett, to this language in the minutes of a meeting of September 19, 1938:

“A change in the by-laws was then indicated and the following motion by Mr. Orchard, seconded by Mr. Farmer, was put before the meeting.”

It is a good name for the Associated Farmers.

“That any person or corporation not actively engaged in farming be eligible for associate membership without the privilege of voting.”

The motion carried.

Is that the only change there has been to the by-laws which I have just produced—delivered to Board’s counsel?

The Witness: Yes.

Mr. Walsh: Then I will stipulate with counsel that that language which you have just now read may be considered as part of Board’s Exhibit 10.

Mr. Clark: Very well.

Q. (By Mr. Walsh) Mr. Boyett, I will hand you a document consisting of several sheets of paper, which has been marked for identification as Board’s Exhibit 11. Will you tell me what that is, please?

(Thereupon the document above referred to was received in evidence and marked as Board’s Exhibit No. 11, for identification.) [1398]

The Witness (Examining document): That is a list of membership of the Associated Farmers of Kings County, Incorporated, both regular and associate.

(Testimony of J. B. Boyett.)

Mr. Clark: As of what date, please?

The Witness: As of March 1st, 1939.

Q. (By Mr. Walsh) Mr. Boyett, have there been any new members taken in since that time that you recall?

A. I am sure there are; not very many.

Q. There have been?

A. Yes; not very many.

Mr. Walsh: I would like to offer Board's Exhibit 11.

Trial Examiner Lindsay: Received.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 11.)

Q. (By Mr. Walsh) I will hand you a document which has been marked for identification as Board's Exhibit 12. Can you tell me what that is, please?

(Thereupon the document above referred to was received and marked as Board's Exhibit No. 12 for identification.)

The Witness (Examining document): That is a directors' meeting—strike that.

That is the minutes of the directors' meeting held Thursday, January 26, 1939, in Peden's Cafe, Hanford.

Mr. Walsh: I would like to offer at this time Board's Exhibit 12 which has just been described by the witness. [1399]

It is a typewritten sheet of paper, apparently of

(Testimony of J. B. Boyett.)

three-hole notebook sheet, on which writing appears on both sides.

The matter I particularly want to direct the Examiner's attention to in this exhibit appears in the next to the last paragraph.

Mr. Clark: Will you wait until I get that, Mr. Walsh?

Mr. Walsh: Yes.

Mr. Clark: You might as well read that in and return the exhibit to us, because I don't think there is anything else in that you want.

Mr. Walsh: With the Examiner's consent, I will read the paragraph of this exhibit which bears upon this inquiry and ask leave to withdraw Board's Exhibit 12.

Mr. Clark: And to which we object, Mr. Examiner, on the ground it is incompetent, irrelevant and immaterial—not to the withdrawal, but to the introduction of any of it in evidence.

Trial Examiner Lindsay: Yes.

Mr. Walsh: The portion of this exhibit I desire to read is as follows:

“After a short review of the picketing of the Boswell plant in Corcoran, President Boyett called upon Mr. Dula and Pennybaker of Tulare County to explain the origin, function, and working arrangement of the Farmers' Transporta- [1400] tion Association by which the farmers of Tulare and several southern counties had succeeded in keeping the flow of farm

(Testimony of J. B. Boyett.)

produce to the Los Angeles markets open despite 'hot cargo' charges by radical elements. The meeting of the directors unanimously adopted a resolution moved by Mr. Haag and seconded by Mr. Harp that the Kings County unit of Associated Farmers cooperate with the Farmers Transportation Association."

I would like to put that in the record in lieu of Board's Exhibit 12, your Honor. I am now returning to counsel the minutes of the directors' meeting.

Mr. Clark: Thank you very much.

Trial Examiner Lindsay: The substitution by reading into the record which has been made is accepted and Board's Exhibit 12 has been returned to Mr. Clark.

Mr. Walsh: And the withdrawal permitted?

Trial Examiner Lindsay: And the withdrawal permitted.

Q. (By Mr. Walsh) Mr. Boyett, I will hand you four documents which are numbered for identification as Board's Exhibit 13(a), 13(b), 13(c), and 13(d), and would you identify those for me, please?

(Thereupon the documents above referred to were received and marked as Board's Exhibit Nos. 13(a), 13(b), 13(c), and 13(d), for identification.)

The Witness (Examining documents): 13(a)



(Testimony of J. B. Boyett.)

is an explana- [1401] tion of who is eligible for membership in the Associated Farmers of Kings County, Inc.

Q. (By Mr. Walsh) As I understand, Exhibit 13(a) is a pamphlet or piece of printed matter issued to the persons located or residing in Kern County, which would be eligible, and the Kings County would be the same if you substituted the name from Kern to Kings?

A. That should be Kings.

Mr. Clark: There was such a notice circulated among the people in Kings County, wasn't there?

The Witness: That is correct.

Mr. Walsh: For the purpose of this exhibit, Mr. Clark, could we just change by interlineation the word Kern to Kings?

Mr. Clark: I think it will be clear then so far as the record is concerned. You should do that.

The Witness: 13(b) is a printed pamphlet gotten out by the Associated Farmers of California describing the general purposes and basic policies and so on of the state organization.

13(c) is a declaration of policy for agricultural labor which was endorsed by the state organization and which has since that time been endorsed by most of the county units. [1402]

Q. (By Mr. Walsh) Including Kings County?

A. Including Kings County.

13-D is a semi-monthly publication "From Apathy to Action," which has since been changed to "The Associated Farmers."

(Testimony of J. B. Boyett.)

Q. Do I understand that this goes to all members of the County units of the Associated Farmers?

A. That is correct.

Mr. Walsh: Mr. Examiner, at this time I desire to offer Board's Exhibit 13-A, 13-B, 13-C and 13-D. Counsel have stipulated that we may by interlineation in Board's Exhibit 13-A change the name "Kern" to "Kings," to reflect the exact wording of the document that was issued by this unit. And I desire to direct the Examiner's particular attention to Board's Exhibit 13-D, the first article appearing in that publication "From Apathy to Action," entitled "The Minority Rule."

I desire to offer all four of these at this time.

Trial Examiner Lindsay: Board's Exhibits 13-A, B, C and D are received in evidence.

(Thereupon, the documents above referred to were received in evidence and marked as Board's Exhibits Nos. 13-A, 13-B, 13-C and 13-D respectively.)

Mr. Clark: Subject to the same objection, may it please the Examiner?

Trial Examiner Lindsay: Yes. [1403]

Mr. Clark: May this be off the record, Mr. Examiner?

Trial Examiner Lindsay: Yes. Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Q. (By Mr. Walsh) Mr. Boyett, I will hand



(Testimony of J. B. Boyett.)

you three sheets of paper which have been marked for identification as 14-A, 14-B and 14-C, and will you explain those and tell me what they are, please?

(Thereupon, the documents above referred to were marked as Board's Exhibits Nos. 14-A, 14-B and 14-C respectively, for identification.)

The Witness: (Examining documents) 14-A is a financial report of the Associated Farmers of Kings County, Inc., as of November 22nd, 1938.

Q. (By Mr. Walsh) The little paper has been marked as "B"? A. Yes.

14-B is an itemized statement of the items appearing in 14-A.

Mr. Clark: From whom did you obtain the slip that you have called an itemized statement?

The Witness: From Mr. Botts, our secretary.

Mr. Clark: The secretary of the organization?

The Witness: Yes.

Mr. Clark: Was that in response to a request made from [1404] you to him to furnish you with the financial status of the Company as of the time this hearing commenced?

The Witness: Yes.

Mr. Clark: Not the Company; I mean of the Association?

The Witness: That is correct.

14-C is a letter from the J. G. Boswell Company, a copy, I would say, a letter from the J. G. Boswell Company to Mr. W. B. Camp explaining remittance to the State organization. [1405]

(Testimony of J. B. Boyett.)

Q. Now, may I ask a question or two concerning 14-B to clarify it a little bit.

14-B is, or at least appears to me to be, an adding machine page with some adding machine figures. Is that correct?      A. That is correct.

Q. The first item that appears there is "Barbeques \$500.39." Is that correct?

A. That is correct.

Q. And "Office \$83.90?"      A. Yes.

Q. "Cost of membership \$370.88?"

A. Yes.

Q. And a total of \$955.17.

Now, can you tell me for what period of time those figures cover, Mr. Boyett?

A. I would rather have the secretary answer that, Mr. Walsh, if it is all right.

Q. If you don't know, it is all right. I don't care.      A. I would say it is up to this date.

Q. To that date?      A. Yes.

Mr. Clark: By "this date," what do you mean?

Mr. Walsh: November 22nd, referring to the date the financial statement was made.

All right. Then I will ask— [1406]

The Witness (Interrupting): I pay very little attention to that.

Mr. Walsh: I would like to offer at this time Board's Exhibit 14-A, 14-B and 14-C in evidence.

Trial Examiner Lindsay: 14-A, B and C are received in evidence.

(Thereupon, the documents above referred to

(Testimony of J. B. Boyett.)

were received in evidence and marked as Board's Exhibits Nos. 14-A, 14-B and 14-C respectively.)

Q. (By Mr. Walsh) Now, Mr. Boyett, will you tell us—may I ask you this question: Are you a Director of the Associated Farmers of California, Inc.? A. I am.

Q. Now, will you tell us for the purpose of the record something about the set-up of the State organization, and how you happened to become a director of it?

Mr. Clark: I object to that as incompetent, irrelevant and immaterial. As to the materiality, Mr. Examiner, I should think the records of the State organization would be the best evidence, and I am quite sure that I could state, very briefly, the contents of them in as much as I prepared the Articles for the State organization.

Mr. Walsh: I probably can state it too.

Mr. Clark: I think you can if you had access to the LaFollette Committee report. [1407]

Trial Examiner Lindsay: Let us not argue.

Mr. Clark: Which I think is probable. I will stand on the objection.

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may answer. You may have an exception.

(Testimony of J. B. Boyett.)

The Witness: As I understand the State organization, it is composed—in other words, the State organization is composed—of about 43 members which represent that many organized Counties, and in most instances the president of each County unit serves as a State director. Then the State organization would have forty-three members which are directors from each County, and that composes the entire membership of the Associated Farmers of California.

Q. (By Mr. Walsh) Now, are the directors compensated for their services?

A. No.

Q. You draw no pay for being a director?

A. No pay.

Q. Do you draw pay for being president of the Associated Farmers of Kings County?

A. None whatever.

Q. Now, is the Associated Farmers of Kings County—strike [1408] that, please.

Board's Exhibit 9, which is the Articles of Incorporation of the Associated Farmers of Kings County, were filed on October 18th, 1938?

A. That is right.

Q. Now, were you—

Mr. Clark (Interrupting): I think the document shows October 18th, if I may interrupt.

Mr. Walsh: That is what I meant to say, October 18th, 1938.

Q. You were one of the organizers, I believe?

(Testimony of J. B. Boyett.)

A. That is correct.

Q. Will you tell us something about the pre-organizational activities of your group before you filed for your charter?

A. There was quite a demand among many of our farmers for an organization in Kings County. It simply gained momentum—I don't know how it came about. We met the first time in this hall September 8th for an organizational meeting. At that meeting directors were elected and a further date set for O. King the by-laws, passing on the by-laws.

Q. Was there any meeting held between September 8th, 1938, and October 18th, 1938?

A. Yes, there was, Mr. Walsh. Just a minute. (Examining paper.) We met in this hall September 8th, 1938, which was the organizational meeting. [1409]

Q. Yes.

Mr. Clark: Mr. Examiner, may the record show that "this hall," indicates the American Legion Hall?

Trial Examiner Lindsay: Yes.

The Witness: At that meeting, nine directors were elected.

Q. (By Mr. Walsh) Now, was there any meeting between then and the time that you signed the Articles on the 29th of September, 1938?

A. We had a meeting on September 12th in the Farm Advisor's Office in Hanford, and adopted the by-laws.

(Testimony of J. B. Boyett.)

Q. Those by-laws are the ones which have been introduced in evidence here as Board's Exhibit 10?

A. That is correct.

Q. Now, will you tell me this: Who prepared the by-laws for you?

A. I believe Mr. Clark did. I am not sure about that.

Mr. Clark: I move that that go out as not responsive, and, as a matter of fact, it is not the fact and it shows you the defect in hearsay testimony: "I believe that Mr. Clark did."

Trial Examiner Lindsay: Just a moment. Now, let us not get——

Mr. Clark (Interrupting): I ask that that go out.

Trial Examiner Lindsay: That is *that is* necessary, just ask that it go out. [1410]

It may go out.

Q. (By Mr. Walsh) Now, Mr. Boyett, do you know who prepared the by-laws for you?

A. We received the by-laws from the State organization, Mr. Walsh.

Q. Did you also receive the form of the application for the Articles of Incorporation from the State organization?      A. Yes, we did.

Q. Now, were those furnished to the County organization without expense to the organization?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial.

Mr. Walsh: It is quite material.



(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: He may answer.

The Witness: I don't remember.

Q. (By Mr. Walsh) Do you recall having paid any fees at all in connection with the incorporation of it?

A. I would answer that by "No," Mr. Walsh.

Q. You paid no fees at all?

A. According to my knowledge.

Q. Is there anyone who would have a better recollection of it than you, or would your records——

A. (Interrupting): The secretary-treasurer, Mr. Botts.

Q. Now, do you recall when you were elected a director of the State organization—withdraw that for a moment—— [1411]

Were you elected president of the Kings County organization? A. Yes.

Q. At once? At the early meeting?

A. At the meeting of September 12th.

Q. September 12th? A. That is right.

Q. You were also elected a director, I suppose?

A. Elected a director on September 8th at the organizational meeting.

Q. The names of these gentlemen who signed the Articles of Incorporation—strike that.

In Board's Exhibit 9, there appears, in Paragraph 4 on page 2, the following statement:

"The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

(Testimony of J. B. Boyett.)

"1. J. B. Boyett, Corcoran, California.

"2. W. L. Haag, Hanford, California.

"3. E. A. Montgomery, Hanford, California.

"4. E. E. Howes, Hanford, California.

"5. E. J. Harp, Corcoran, California.

"6. George A. Smith, Junior, Stratford, California.

"7. Steve——"

The Witness: (Interrupting) Steve Giacomazzi.

Mr. Walsh: That is spelled G-i-a-c-o-m-a-z-z-i, Hanford, California. [1412]

"8. Charles A. Kimble, Hanford, California.

"9. Hugo Buckner, Hanford, California."

Now, did those gentlemen all become directors?

A. They did.

Q. Are they still serving? A. Yes.

Q. As directors? A. Yes.

Q. Has there been any resignations or changes in the board of directors? A. None whatever.

Q. Now, Mr. Boyett, going back to the meeting of September 8th, do you recall who were present here in this hall when your first meeting was held?

A. No, I can't. We had a very good crowd. The hall was——

Q. (Interrupting): Pretty well filled?

A. Full of people.

Q. Did you have any—was there present any representative of the State organization to explain the functions and set-up of the Associated Farmers?



(Testimony of J. B. Boyett.)

A. Mr. S. H. Strathman, S-t-r-a-t-h-m-a-n, was here.

Q. Will you tell us what position he occupies with the Associated Farmers of California, I believe? A. Field Secretary.

Q. And I take it that he explained to you the manner in which [1413] the system of the Associated Farmers of California worked, is that correct?

A. That is correct.

Q. Now, how was the notice of that meeting given, Mr. Boyett? A. The first meeting?

Q. Yes. A. Just word of mouth.

Q. Just called people up, or see them on the street and said that you were going to have a meeting?

A. Yes. A few people called, and it just spread over the country. No written notices were sent out.

Q. Did someone from here call upon the State organization to send someone down and explain the organization of the Associated Farmers to the group? A. I did that myself.

Q. You made the arrangements for Mr.—what is his name? A. Strathman.

Q. For Mr. Strathman to come down?

A. Yes.

Q. Now, I presume the expenses of his coming were borne by the State Association, were they not?

A. I presume so. We did not pay them.

A. That is right.

Q. At least, you didn't pay them, is that it?

(Testimony of J. B. Boyett.)

Q. Now, we have introduced into the record Board's Exhibit [1414] No. 13-C, which is the Declaration of Policy for Agricultural Labor, endorsed by the Associated Farmers of Kings County, Inc.

Was that prepared under your direction, Mr. Boyett?

A. It was discussed at one of our Board meetings. We didn't prepare it.

Q. You didn't prepare the copy that appears on that paper? A. We adopted these declarations.

Q. I see.

Do you recall where it came from; I mean the substance of the document?

A. I picked up a copy of it in Fresno County, and liked it so well I presented it to our own Board and adopted it.

Q. Do you know whether or not that is the policy generally adopted by other units of the Associated Farmers?

A. I have learned since that it was. I didn't know at the time.

Q. Do you know whether or not the subject of this particular labor policy has ever come before the Board of Directors of the State Association?

A. Not while I was in attendance.

Q. Not while you were in attendance?

How often do you go up to meetings of the State Association, Mr. Boyett?

A. I believe they have four meetings a year.

(Testimony of J. B. Boyett.)

Q. Have you been in regular attendance since you were elected? [1415] A. I believe so.

Q. You attended all the meetings that have been held? A. Yes.

Q. Now, this Declaration of Policy you found in Fresno—what is the name of the County? Fresno County? A. Fresno County.

Q. Fresno County—did you make any changes in the policy as adopted by Fresno County from the one that you folks adopted over here?

A. Substituted “Kings.”

Q. Just “Kings” for “Fresno?”

A. That is right.

Q. Who printed these documents which are represented by Board’s Exhibit 13-C?

A. We had those printed at one of the local papers.

Q. A local printer? A. A local printer.

Q. That, of course, was paid for by the Associated Farmers’ organization here? A. Yes.

Q. And these, I take it, were distributed among your members and to other folks who might be interested in it? A. Yes.

Q. Is that right? A. Yes. [1416]

Q. 13-A, which is the document which has no title on it but states “You are eligible for membership in the Associated Farmers of Kings County,” I take it, that you adopted, then, some one you found in Kern County; is that correct?

A. That is correct.

(Testimony of J. B. Boyett.)

Q. And you had some of those printed and distributed? A. Yes. ..

Q. To persons who would be available for membership, is that correct? A. Yes.

Q. You paid for that from the funds of the local organization? A. Yes, we paid for that.

Mr. Walsh: Now, I am advised that it is twenty minutes of 5:00, if your Honor please. Might we adjourn at this time?

Trial Examiner Lindsay: We will adjourn until 9:30 in the morning.

(Whereupon, at 4:40 o'clock P. M., June 1, 1939, the hearing was adjourned to 9:30 o'clock A. M., Friday, June 2, 1939.) [1417]

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## AMERICAN LEGION HALL

Corcoran, California,

Friday, June 2, 1939.

9:30 O'clock A. M. [1418]

## PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready, Mr. Examiner.

Mr. Walsh: The Board is ready.

Mr. Boyett, will you resume the stand, please?

J. B. BOYETT

the witness on the stand at the time of adjournment, resumed the stand and was further examined and testified as follows:

Direct Examination

(Continued)

Q. (By Mr. Walsh) Mr. Boyett, did the Associated Farmers of Kings County ever appoint an Executive Committee of the Board of Directors, as provided for by the by-laws? A. They did.

Q. Who composes that Executive Committee?

A. I would have to refer——

Q. (Interrupting): You may refer to any notes that you desire to.

Mr. Clark: Is that in——

The Witness (Interrupting): It is in the minutes.

Mr. Clark: The minutes of what meeting, please?

The Witness: September 12th, I believe.

Mr. Clark: September 12th?

The Witness: September 12th.

Mr. Clark: Let the record show, Mr. Examiner, that I am handing the minutes of September 12th, 1938, of the Associated [1420] Farmers of Kings County, Inc., that is, the minutes of the meeting of Directors of that organization under that date, to counsel for the Board, being the minutes referred to by the witness.

Mr. Walsh: Thank you, sir.

(The document referred to was passed to Mr. Walsh.)

(Testimony of J. B. Boyett.)

Mr. Clark: I suppose he wants to refresh his recollection from the sixth and seventh paragraphs of these minutes.

Q. (By Mr. Walsh) Will you refer to the minutes of the meeting of September 12th, and tell me who were the persons elected or appointed to the Executive Committee of the Board of Directors?

A. W. L. Haag, Hanford, California; E. J. Harp, Corcoran, California and Hugo Buckner, Hanford, California.

Q. Making an Executive Committee of three, is that correct?

A. That is correct.

Q. Now, I believe it is provided by the by-laws that the Executive Committee functions and manages the business of the organization during intervals between the meetings of the Board of Directors, is that correct?

A. That is correct.

Q. Now, as president of the organization, you are ex-officio Chairman of the Executive Committee, I believe?

A. That is correct.

Q. Now, has the Executive Committee had meetings from time to [1421] time?

A. I don't believe the Executive Committee has had but one meeting, and that was an informal meeting.

Q. That was an informal meeting?

A. Yes.

Q. Can you fix the date of that meeting, Mr. Boyett?

A. Sometime during January.

Q. Of——

A. (Interrupting): 1939.

Q. (Continuing) ——of 1939?



(Testimony of J. B. Boyett.)

Can you fix the date first or the last half of January?

A. It was about the middle of the month. I will say in the last half of the month.

Q. In the last half of the month? A. Yes.

Q. Would that be in the third or fourth weeks of January? A. I would say in the third week.

Q. The third week?

A. To the best of my recollection.

Q. That would be somewhere between the 14th and the 21st, roughly, I take it? A. Yes.

Q. That meeting of the Executive Committee would have preceded the meeting of the Board of Directors on January 26th, would it not? [1422]

A. That is correct.

Mr. Clark: May I have the answer, please, Mr. Examiner?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Will you speak up a little bit so we can hear you?

Trial Examiner Lindsay: Keep your voice up so you can be heard.

Q. (By Mr. Walsh) What was the subject of the meeting of the Executive Committee, Mr. Boyett?

A. It pertained only to a membership drive.

Q. I see. A. In the Month of February.

Q. That is, devising ways and means of increasing the membership of the organization, is that correct? A. That is correct.

(Testimony of J. B. Boyett.)

Q. Do you recall any other things that came before the Executive Committee?

A. That is the only thing that was talked about. [1423]

Q. Were there any minutes of the Executive Committee kept?

A. No minutes, I believe; not to my knowledge.

Q. I see.

Now, at the meeting of September 12, 1938, was there a motion made to increase the board of directors of the Associated Farmers of Kings County, Inc.?

A. That is correct; September 12th you refer to?

Q. Yes.                      A. That is correct.

Q. And was the board of directors increased at that time?                      A. It was, by six.

Q. By six, making a total of how many?

A. Fifteen.

Q. Now, who were the six new directors that were elected, or were they elected at that time? If they were not, would you tell us when they were elected and who they were.

A. I will refer to these minutes again.

Ed Orchard, Sunflower Valley, I believe.

Q. That is his address?

A. That is his address.

Q. Post office would be what?

A. I think Avenal.

Q. I beg your pardon?                      A. Avenal.

(Testimony of J. B. Boyett.)

Loyd Legget, Guernsey, L. D. Farmer, Lemoore; C. F. Evans, [1424] care of the Boston Land Company; Ralph Morgan, Hanford; John Dawson, Hanford.

Q. Now, have those six men been active in the deliberations of the board of directors since their election?      A. Yes.

Mr. Clark: Objected to on the ground it is indefinite, may it please the Examiner, as to what is called for.

Mr. Walsh: It is indefinite and I will break it up a bit.

Q. These six men have attended the meetings of the directors that have been held since their election?      A. They have.

Q. Are directors required to take an oath of office in your corporation?      A. No.

Q. Are they required to subscribe to any instruments or sign the by-laws, or anything like that?

A. The original nine did subscribe to the by-laws. The six who were elected on September 12th have not.

Q. They have not. Now, how many meetings of the board of directors have you had since September 12, 1938?

A. I would say approximately six. [1425]

Q. Six meetings?

A. That is an approximation, without referring to the minutes.

Q. Now, at any of those—would you care to re-

(Testimony of J. B. Boyett.)

fer to the minutes and refresh your recollection? You may, if you wish.

A. If it is important, I will.

Q. I believe I would like to have it.

Mr. Clark: Just go through the minutes, Mr. Boyett, and give us the number.

(The minutes referred to were passed to the witness.)

The Witness: Mr. Walsh, may I advise with my secretary sitting back there? It would facilitate matters quite a bit. He is the one that takes care of these matters.

Mr. Walsh: That is quite all right. If Mr. Botts would come forward and take care of this, it would be fine.

Mr. Clark: The question calls for the number of meetings since what date, Mr. Walsh?

Mr. Walsh: September 12th, 1938.

Mr. Clark: I object to that, may it please the Examiner, on the ground that the record shows the organization was not organized under the laws of this State until October 18th.

Mr. Walsh: I take it that the pre-organizational activities of the Association or corporation had been appropriately ratified by the Board of Directors.

Mr. Clark: There is no showing to that effect whatsoever in the record, and the Respondent in this proceeding is the [1426] Associated Farmers of Kings County, Inc.

Mr. Walsh: I assume, if the Examiner please,

(Testimony of J. B. Boyett.)

that this organization had competent counsel at the time they were organized, and that they did everything in accordance with the laws of the State; and if they are urging that as a defense, I would like to know it.

Mr. Clark: We are not urging that as a defense, Mr. Examiner. But first let me say there is no such requirement under the laws of the State as counsel states, with respect to the duties of a corporation once organized, and I am simply making the objection to limit the scope of this examination. I don't see the materiality of it.

Mr. Walsh: I submit, then, your Honor, that the law of California doesn't require ratification of the pre-organizational activity of the organizing committee, and that the objection is captious.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: You may go into it, and he may answer.

Mr. Botts: What was the question?

Mr. Walsh: How many meetings since September 12th?

Mr. Botts: I only find Director meetings of two.

Trial Examiner Lindsay: Just a moment, please. I don't want the secretary's answers going in the record at this time. I understand that was merely to transmit information to this [1427] witness, and the witness will testify to it, because this man has not been sworn.

Mr. Walsh: I am perfectly willing that the



(Testimony of J. B. Boyett.)

secretary announce the information, and that the witness adopt the information as received from the secretary and give that as his testimony, if the witness desires to do that.

Mr. Clark: Well, Mr. Lindsay, before there is any information given to the witness on the stand, may I check these minutes, because I have been through them as to the number of meetings.

Trial Examiner Lindsay: Yes.

Off the record a minute.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

(At this point, Mr. Botts, Secretary of Associated Farmers of Kings County, Inc., was sworn by the Trial Examiner.)

Trial Examiner Lindsay: You may proceed. I am sorry to interrupt you.

Mr. Walsh: Thank you, sir; just as soon as Mr. Clark has checked the records.

Mr. Botts: It was five.

Mr. Clark: Will you put your question to this gentleman?

Mr. Walsh: The question is still posed to Mr. Boyett if Mr. Boyett desires to receive the information from the secretary and adopt the information from the secretary. [1428]

The Witness: There have been five regular meetings.

Q. (By Mr. Walsh) The minutes have been



(Testimony of J. B. Boyett.)

kept of all of those regular meetings, haven't they, Mr. Boyett?      A. There were.

Q. Have there been any special meetings of the Board of Directors as provided for by the by-laws in which five days' notice is required?

A. No. [1429]

Q. Have there been any regular meetings of the board of directors at which minutes were not kept?

A. No.

Q. Now, have you examined the minutes since you were on the stand yesterday? Have you re-read the minutes?      A. No.

Q. At our next recess I would like to have you re-read the minutes to determine in any of those minutes there is any reference to the J. G. Boswell Company except the minutes of the meeting of January 26th, and refresh your recollection, and then I will renew my question.

Now, passing over to January 26, 1939, we read into the record, in lieu of Board's Exhibit 12, the reference in the minutes of the meeting to the picketing at the J. G. Boswell Company.

Now, directing your attention to that situation, will you tell me the names of the directors who were present at that meeting?

Mr. Clark: May the witness refresh his recollection——

Mr. Walsh (Interrupting): Certainly.

Mr. Clark: (Continuing): ——from the minutes.

Mr. Walsh: Certainly.

(Testimony of J. B. Boyett.)

You might refer to the minutes and refresh your recollection.

Mr. Clark: Let the record show, Mr. Examiner, that I am [1430] handing Mr. Boyett the minutes——

Trial Examiner Lindsay (Interrupting): Hand them to counsel.

Mr. Walsh: I have seen them.

Mr. Clark: I have already submitted them to him.

I am handing Mr. Boyett the minutes of the meeting of the Board of Directors of the Associated Farmers of Kings County on January 26, 1939, which minutes were submitted to Board's counsel yesterday and examined by him.

The Witness: Directors present were Howes, Haag, Harp, Evans, Dawson, Montgomery, Smith, Boyett, Legget, and Buckner, Orchard and Kimble.

Q. (By Mr. Walsh) Now, were there any persons present at that meeting who were not directors of the Associated Farmers of Kings County?

A. Yes.

Q. Who were they, please?

A. Mr. Dula of Tulare County; Mr. Pennybaker, Mr. Harkness——

Mr. Clark (Interrupting): Who is Mr. Pennybaker? Might I have him identified?

Q. (By Mr. Walsh) If you will identify both Mr. Dula and Mr. Pennybaker, if you will.

A. Mr. Dula is secretary of the Associated

(Testimony of J. B. Boyett.)

Farmers of Tulare County, Incorporated. Mr. Pennybaker is a director, I believe. [1431]

Q. Of the Tulare County Associated Farmers?

A. Tulare County. Mr. Harkness was the publicity agent.

Q. For——

A. (Interrupting): For Tulare County, who was employed just as a part time man.

Q. Tulare County Associated Farmers, I take it?

A. Mr. Pinkham—I don't know where he is from—Mr. Waite representing the Hanford Journal, and at that meeting there were new members; Mr. Burress, Mr. Broderick, and Mr. Elbert Montgomery.

Q. Now, they were new members of the board of directors?

A. No, not of the board of directors.

Q. New members——

A. (Interrupting): Of the Association.

Q. (Continuing) ——of the Kings County Association?

Now, I believe the minutes state that you reviewed the picketing at the Boswell plant. Will you tell us what you reported to the board of directors and these other gentlemen at that time?

Mr. Clark: Now, just a minute. I think that is a misstatement of the record, inadvertently, by Mr. Walsh. I think the minutes say that the picketing was reviewed. I don't think they said that Mr. Boyett reviewed them. Let us have the fact on it

(Testimony of J. B. Boyett.)

one way or the other and everything that was said in that connection and by whom. [1432]

Trial Examiner Lindsay: You may proceed.

Q. (By Mr. Walsh) Read that portion of the minutes so we will be accurate about it, Mr. Boyett. It is the first part of the paragraph, I believe.

A. "After a short review of the picketing of the Boswell plant in Corcoran, President Boyett called upon Mr. Dula and Mr. Pennybaker, of Tulare County, to explain the origin, function, and working arrangement of the Farmers Transportation Association."

Q. That is enough at this particular moment.

I am wrong in my quotation of the minutes.

I will ask you this question, Mr. Boyett: Who gave the review of the picketing situation?

A. I did, myself.

Q. Now, will you tell us what you reported to the board of directors?

A. As I remember it, I simply stated that pickets had come to the Boswell gin and gave them the situation as nearly as I could at that time.

Q. Do you remember about what you told them at that time, Mr. Boyett?

A. Yes.

Q. I won't ask you to give it exactly, but as near as you can.

A. I stated that it was my understanding that pickets had [1433] come to the gin and that products of the gin going by truck had been declared "hot" and there was some question about getting the farmers' produce to market.

(Testimony of J. B. Boyett.)

Q. Did you advise them that the products of the Boswell plant were not moving out in the regular course of their business? A. I did.

Q. And—— A. (Interrupting) By truck.

Q. Yes, that is what I had reference to.

Now, what did Mr. Dula and Mr.—first, what did Mr. Dula say to the board of directors relative to the Farmers Transportation Association?

Mr. Clark: If anything.

Q. (By Mr. Walsh) If anything?

A. Mr. Pennybaker, director——

Q. (Interrupting) I asked you about Mr. Dula. The minutes refer to Mr. Dula first, I believe.

A. Mr. Dula simply came over to our meeting with Mr. Pennybaker.

Q. I see.

Mr. Pennybaker, was he the one that explained the Farmers Transportation Association?

A. Yes, he was.

Q. What did Mr. Pennybaker say? [1434]

A. Mr. Pennybaker stated that Tulare County had some experience with the Farmers Transportation Company in Los Angeles and that they had been very successful in getting farm produce through to the market, the final destination.

Q. Did he describe the system that they used in that instance? A. Yes.

Q. What was his description of it?

A. As I understand it, they have a director in

(Testimony of J. B. Boyett.)

Los Angeles who is in charge of the office who is deputized by the counties who subscribe to this service. In this instance, Tulare County would employ a man, deputized by the Sheriff of the County, and he would go to Los Angeles. In other words, he is stationed at Los Angeles. The man leaves Los Angeles with a load of produce and if he happens to be held up on the way, why he calls on the office in Los Angeles for help and they come up.

Q. Held up on the way in what manner, Mr. Boyett?

A. By anyone, a union man that stops them.

Q. That is, if a union man or——

A. (Interrupting): Anyone else.

Q. (Continuing) ——would stop the truck driver and demand to see whether or not he was a union driver and request him not to proceed with his load, then the Tulare man would come out to give such assistance as might be necessary, is that [1435] correct?

A. That is correct.

Q. Now, is that substantially the manner in which the Farmers Transportation Association was described to the board?

A. I might improvise on that a little bit by stating that these truck men, in leaving Tulare County, for instance, are certified by a certifying officer.

Q. I see.

A. He carries a card showing that he has been certified as a truck driver and representing this organization.



(Testimony of J. B. Boyett.)

Q. That is, he is a certified—a truck driver certified—by the Farmers Transportation Association, is that correct?      A. That is correct, yes.

Q. Now, did the plan contemplate giving any assistance to persons leaving Tulare County with produce?      A. Yes. [1436]

Q. And what was the nature of the assistance to be given them?

Mr. Clark: I understand as described to these gentlemen?

Q. (By Mr. Walsh) As described by Mr. Pennybaker.

A. Well, the purpose of these guards—I might term them—was to see the load through all the way from origin to destination regardless and irrespective of where trouble came.

Q. I see.

Now, what was the purpose of issuing these certifications to the truck drivers——

Mr. Clark (Interrupting): I will object——

Mr. Walsh (Continuing): ——as explained by Mr. Pennybaker?

Mr. Clark: Very well, if he did make any such explanation.

The Witness: (Pause.)

Trial Examiner Lindsay: Read the question.

Is that in the form of an objection?

Mr. Clark: Yes, it is, may it please your Honor, on the ground that the question is not in proper form and assumes something not in evidence,

(Testimony of J. B. Boyett.)

namely, Mr. Pennybaker, or whatever his name is, made the statement which is included in the question.

Trial Examiner Lindsay: Now, will you read Mr. Clark's first statement? I didn't get it.

(The record referred to was read by the reporter, as set [1437] forth above.)

Trial Examiner Lindsay: He may answer.

The Witness: The purpose of the certification is simply a way of identification of the driver.

Q. (By Mr. Walsh) Now, did you—did he say, did Mr. Pennybaker say what these cards contained, or what was printed on them?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: Yes. He gave us a copy of the card form they used.

Q. (By Mr. Walsh) Do you recall what it said?

A. It simply stated that this is to certify that John Doe has been certified as a regular truck man employed by so and so, and is authorized to transport farm produce from Tulare County to destination; some words to that effect.

Q. Some words to that effect.

Now, was that substantially all that Mr. Pennybaker said with reference to the farmers transportation association?

(Testimony of J. B. Boyett.)

A. He stated that the plan had been very successful since the inauguration of it; they had had no more trouble, the only trouble was the expense of hiring men, raising the money for that.

Q. Did he explain how they raised the money in Tulare County [1438] to support this particular—

A. (Interrupting) Popular contributions.

Q. Now, did the plan, as explained by Mr. Pennebaker, contemplate the employment of guards to escort the trucks?

A. Yes—that is, in effect.

Q. Did the plan as explained by this gentleman contemplate having those guards deputized as Deputy Sheriffs?

A. They were deputized.

Q. Oh, they were deputized.

And what duties did those guards perform?

A. Simply escort the truck through to its destination when called upon.

Q. Were they armed?

A. I do not know.

Q. Now, I believe—will you read the balance of that minute? I believe the Board went on record as favoring support of the plan, did they not?

A. “By which the farmers of Tulare and several Southern Counties succeeded in keeping the flow of farm produce to the Los Angeles markets open, despite hot cargo charges by radical elements, the meeting of the Directors unanimously adopted a resolution: Moved by Mr. Haag and seconded

(Testimony of J. B. Boyett.)

by Mr. Hart that the Kings County unit of the Associated Farmers cooperate with the Farmers Transportation Association."

Q. Now, what if anything was done by the Kings County Asso- [1439] ciation to carry out the resolution of the Board of Directors?

Mr. Clark: I object to that as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: We appointed a certifying officer and nothing more was done.

Q. (By Mr. Walsh) Who was so appointed?

Mr. Clark: Same objection.

Trial Examiner Lindsay: Same ruling.

The Witness: Mr. Botts and myself. I should have said two officers.

Q. (By Mr. Walsh) You both were designated to perform the acts of certifying these truck drivers, is that correct? A. That is correct, yes.

Q. Did you ever send a representative to Los Angeles as was contemplated by the Tulare plan?

A. No, we did not.

Q. Did you ever become deputized?

A. No.

Q. By the Sheriff? A. No.

Q. Do you know whether or not Mr. Botts ever did? A. No.

Mr. Clark: Well, is the answer whether he did, or whether the man knows whether or not he did? [1440]

(Testimony of J. B. Boyett.)

Q. (By Mr. Walsh) If you know.

A. Not to my knowledge.

Q. You would know, I take it, if he did become deputized? A. Yes.

Q. Now, did you ever make any arrangement to have any guards deputized? A. No.

Q. Did you ever employ any guards?

A. No.

Q. Did you draw any money as certifying officer? A. No.

Q. Do you know whether or not Mr. Botts drew any? A. He did not.

Q. Did you ever issue any such certificates?

A. No.

Q. You did not.

Were you appointed as certifying officer at this same meeting of the Board of Directors on January 26th, 1939?

A. I would answer Yes, Mr. Walsh.

Q. You may examine the minutes to refresh your recollection.

A. (Examining document) May I clarify my answer—

Q. (Interrupting): Certainly.

A. (Continuing) —a while ago as to that informal meeting?

Q. Yes.

A. It was January 28th. [1441]

Q. The informal meeting of the Executive Committee was January the 28th? A. Yes.

(Testimony of J. B. Boyett.)

Q. I will accept the correction to your former answer.

A. I see nothing in the minutes regarding the appointment of the certifying officers.

Q. Do you have any recollection other than that as to when your appointment was made?

A. I was under the impression it was at this meeting.

Q. I see.

A. In fact, I am sure it was.

Q. Well, all right. If that is your recollection, it will be all right.

Now, was anything ever done by yourself or Mr. Botts, or any other member of the Board of Directors, to your knowledge, to carry out this plan of cooperation with the Farmers Transportation Association?

A. Nothing was done. [1442]

Q. No money ever collected to support the plan?

A. No.

Q. Now, getting back to the informal meeting of the executive committee which I believe is reflected in that same minute, will you read what the minute has to say about the meeting of the executive committee?

A. "At the suggestion of President Boyett, the Executive Committee agreed to meet Saturday evening, January 28th, to iron out the details of the membership drive."

Q. And I believe that your other reference to that said that that was the only matter that came before the membership drive?

A. Yes.



(Testimony of J. B. Boyett.)

Q. Or before the meeting was the membership drive.      A. Yes.

Q. Again referring to that meeting on the 28th of the executive committee, where was that held, Mr. Boyett?

A. Peden's Cafe, Hanford.

Q. Peden's Cafe, Hanford?      A. Yes.

Q. Will you tell us who was present at that meeting?

A. Mr. Botts, Mr. Nick Weis, myself, Mr. Buckner, Mr. Haag, Mr. Harp. That is all that I remember.

Q. Now, what was done with reference to the membership drive at that meeting? [1443]

A. We employed Mr. Nick Weis to work a month full time and Mr. Brice Sherman as part time.

Q. For the purpose of stimulating interest in the movement, I take it?

A. That is correct.

Q. And at that time did you have printed up the document which has been introduced as Board's Exhibit 13(a)?

A. (Examining document) I believe so.

Q. As part of your membership campaign?

A. That is correct.

Q. Was Mr. Brice Sherman present at that meeting?

A. I don't believe he was, no.

Q. And Mr. Weis was present, I presume, to

(Testimony of J. B. Boyett.)

discuss the—lay out the membership campaign and arrange for his being retained as membership director, I suppose?           A. Yes.

Mr. Clark: May I see Board's Exhibit 13(a), please, Mr. Walsh?

Mr. Walsh: Yes.

(The document referred to was passed to Mr. Walsh.)

Q. (By Mr. Walsh) Now, who is Mr. Weis?

A. Mr. Weis is a local farmer, a resident of Corcoran here for many years.

Q. Not a member of the board of directors of the Association? [1444]           A. No.

Q. Did he work the month?

A. Yes, the full month.

Q. Would you prefer I would ask my questions concerning the financial condition of the company of Mr. Botts?           A. Yes, I would.

Q. All right.

How many farmers are there in this county, Mr. Boyett?

A. About 2300, according to the Farm Advisor.

Q. What is the office of Farm Advisor? Is that a county office?

A. That is a county office.

Q. Under the State Department of Agriculture?

A. That is correct.

Q. Now, Mr. Boyett, I will hand you a document which has been introduced as Board's Exhibit 13(b) and direct your attention to this paragraph appearing on the third page of the folder under the

(Testimony of J. B. Boyett.)

head of "County and District Organization," and would you read that to me, please?

A. (Examining document) "The Associated Farmers of each county is an independent association incorporated under its own name. Each county association selects its officers and directors, as well as its director for the state association and conducts its local activities, assisted by the state association." [1445]

Q. Now, what is the nature of the assistance rendered to the Kings County organization by the state organization?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: Will you read the question?

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Objected to as incompetent, irrelevant and immaterial; and in no way directed toward the present situation which is under inquiry with the Board; also upon the ground it is beyond the Board's jurisdiction to conduct a fishing expedition such as this into the nature of a person or corporation which is not a party to the proceeding. [1446]

Trial Examiner Lindsay: He may answer.

The Witness: Being a young organization, we haven't really needed or called for any assistance, but as I understand it, our assistance we might receive from the State Association would be through

(Testimony of J. B. Boyett.)

the Field Secretary, which would not tax all of the units of the State.

Q. (By Mr. Walsh) And I presume generally keep you abreast of developments of agricultural problems in other Counties?

A. That is correct.

Q. And developments in labor relations and the technique of handling them?

A. Public relations.

Q. What assistance has the Associated Farmers of Kings County, Inc. received from the State organization?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: Only through the visits of its Field Secretary.

Mr. Walsh: Yes.

Q. Now, I will ask you this question: At the time this complaint was served upon you, did you take the matter up with the State organization?

A. I did.

Mr. Clark: Objected to as incompetent, irrelevant and [1447] immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: I did.

Q. (By Mr. Walsh) Did you receive counsel and advice from the State organization?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

(Testimony of J. B. Boyett.)

The Witness: I talked to Mr. Strathman about the matter.

Q. (By Mr. Walsh) Mr. Strathman is the Field Secretary? A. Yes.

Q. Who next did you talk to about it?

A. I mailed the complaint to the State office.

Q. You made a trip, I believe, up to San Francisco about it, did you not?

A. Not at that time.

Q. Sometime between the time that it was served upon you, and the time of the hearing?

A. Just about two weeks—no, one week previous to the hearing.

Q. That was at the time you received the amended complaint?

Mr. Clark: May I have that question?

(The question referred to was read by the reporter, as set forth above.)

The Witness: Just about that time. [1448]

Q. (By Mr. Walsh) You had received the amended complaint about the time you went to San Francisco?

A. I had received that and mailed it to the State office.

Q. There, I take it, you counselled with Mr. Clark? A. Yes.

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: Well, his answer is already in.

(Testimony of J. B. Boyett.)

Mr. Clark: I move to strike it on the same ground.

Trial Examiner Lindsay: The answer may stand.

Q. (By Mr. Walsh) Now, did the State organization offer to you the services of Mr. Clark in the defense of this litigation?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial, and instruct Mr. Boyett not to answer the question.

Trial Examiner Lindsay: He may answer the question.

The Witness: What shall I do in a case of this kind?

Mr. Walsh: I would suggest we have a short recess.

Mr. Clark: Very well, Mr. Examiner.

Trial Examiner Lindsay: Was that serious?

Mr. Walsh: Yes. I will talk to Mr. Clark and find some way to get out of an impasse.

Trial Examiner Lindsay: All right. You may have a ten minute recess. [1449]

Mr. Walsh: All right.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Walsh: Mr. Examiner, I will withdraw the question that I asked Mr. Boyett at this time.

Q. Mr. Boyett, did Mr. Strathman come to Corcoran late in January of 1939?



(Testimony of J. B. Boyett.)

A. I believe it was early in February.

Q. Early in February?           A. Yes.

Q. Did you by telephone, telegraph or by letter, or in any other way, communicate with Mr. Strathman prior to the first of February, 1939, say, let us limit it to the month of January, 1939?

Mr. Clark: I will object to that on the ground it is incompetent, irrelevant and immaterial, unless limited to some matter pertinent to this inquiry, Mr. Examiner. I presume he could communicate with Mr. Strathman about a social engagement, and it would have no bearing on this proceeding. [1450]

Mr. Walsh: I will accept the amendment of counsel. Let us limit it to anything relating to the Boswell disturbance.

Mr. Clark: And the time is when?

Q. (By Mr. Walsh) Limited to the month of January 1939.           A. No.

Q. Now, did you communicate with Mr. Strathman during the month of December 1938, concerning the Boswell disturbance?

A. December 1938?

Q. December of 1938.           A. No.

Q. Did you talk with him during the month of November 1938 or communicate with him in any way concerning the Boswell labor problem?

A. No.

Q. Now Mr. Strathman came down here, I believe, in the early part of February 1939, did he not?           A. I believe that is correct.

(Testimony of J. B. Boyett.)

Q. Do you know how Mr. Strathman happened to come down?

A. I believe I talked to him on the telephone.

Q. Did you call him or did he call you?

A. I don't remember.

Q. At that time you made an arrangement, or an arrangement was arrived at that he would come down, is that correct?      A. Yes.

Q. And in response to that telephone conversation he did [1451] come down here, is that correct?      A. That is correct.

Q. And you discussed with him the Boswell situation, did you not?

A. Yes. We discussed that verbally.

Q. I beg pardon?

A. Verbally. We discussed that when he was here.

Q. Now, in this office, or in your office in the Associated Farmers of Kings County, do you maintain any files which contain the pictures of labor leaders or radicals or known Communists?

A. No.

Q. You maintain a file of their names?

A. No. I have a file of my own—there may be something there—I don't know. I would answer no.

Q. Well, did your personal file contain anything that would indicate the political leanings of any of the people that come into the county?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial, unless involving some of the personalities involved in this proceeding, that is, some of the persons whom the

(Testimony of J. B. Boyett.)

claim is, on the part of the Board, have been discriminated against by any of the respondents. I take it that a record of someone else being a Communist is immaterial in this proceeding. [1452]

Trial Examiner Lindsay: He may answer.

Mr. Clark: May I have the question read back, now?

Trial Examiner Lindsay: Yes. Read the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: No.

Q. (By Mr. Walsh) Do you maintain a file of the persons who are alleged, from time to time, to be radicals or Communists who reside in the county?

Mr. Clark: I will object to that on the ground it is incompetent, irrelevant and immaterial. The question calls for some personal act on the part of this witness, not the Associated Farmers of Kings County, which is the only party on this phase of the matter to the complaint, and, also, it seems to me immaterial whether anyone maintains a file of Communists or radicals who might come in the county. I presume, may it please your Honor, that is not under investigation in this inquiry but rather the question is as to whether or not Boswell has discriminated against American working men, not Communists. [1453]

Trial Examiner Lindsay: He may answer.

(Testimony of J. B. Boyett.)

Mr. Clark: I will instruct the witness not to answer the question.

Trial Examiner Lindsay: Well, of course, the witness is under the jurisdiction of this Court.

Mr. Clark: May it please your Honor, I realize——

Trial Examiner Lindsay (Interrupting) Just a moment, Mr. Clark.

Mr. Clark: Very well.

Trial Examiner Lindsay: And when he takes the witness stand, he is supposed to answer the questions that are ordered to be answered by the party in charge. Now, he has been ordered to answer the question.

Mr. Clark: May I make a statement, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. Clark: Before this or any other court, as your Honor knows, one has the right of protection under the law which is guaranteed by the Constitution and by the rules of evidence.

Now, I realize that your Honor has the power to instruct this witness, or to order him to answer the question, but as your Honor well knows, the ultimate decision in that regard, except for the Examiner's power to discard all this witness's testimony, lies with the United States District Court of this District, and when I make an instruction to this witness not to answer a question, I do so with the full understanding that if [1454] the Board intends to insist upon it, we will have the privilege of arguing that matter before the United States

(Testimony of J. B. Boyett.)

District Judge for this District.

Now, I simply want to stop, Mr. Examiner, this fishing expedition into matters which aren't germane to the proceeding, and which, obviously, can only satisfy the curiosity of these gentlemen representing the Board regarding the Associated Farmers of California.

Now, we have put up for some months with the LaFollette Committee, and I am not going to have this repeated in this hearing.

Trial Examiner Lindsay: Now, Mr. Clark, just a minute.

Mr. Clark: I will stand on the instruction.

Trial Examiner Lindsay: Well, my order is that he answer the question.

Mr. Walsh: I desire the Examiner to instruct the witness as to his rights under the National Labor Relations Act to claim a privilege from incriminating himself and, after having been instructed, I desire to renew my question.

Trial Examiner Lindsay: Yes. Of course the witness has a right, too, if he so declares himself, to refuse to answer a question upon the ground it might incriminate himself in some way and, of course, the further proposition is, if he does not answer the question, then I have a right to disregard all of his testimony. [1455]

Mr. Walsh: The instruction I desire the Examiner to give was to read to the witness the provisions of the Statute which says that after having first claimed his privilege against self-incrimination, he then may be required to answer the ques-



(Testimony of J. B. Boyett.)

tion. I don't desire to see this witness become in contempt of this or any other court, and I want him to be apprised of his rights, as well as of his obligations.

Mr. Clark: I want it thoroughly understood that the basis of my objection has nothing to do with the right of a witness to claim privilege against self-incrimination. It rests solely upon the proposition, Mr. Examiner, that that question, or the answer it calls for, is incompetent, irrelevant and immaterial, and is not probative of any issue in this case, and apparently calls for an act on the part of Mr. Boyett, as an individual, namely, in collecting a file of Communists, when Mr. Boyett isn't even named as a party to this proceeding.

May I have that question read back, your Honor?

Trial Examiner Lindsay: Yes.

Mr. Clark: Just once more.

My objection may be anticipating a question.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.) [1456]

Mr. Clark: I think I will withdraw my instruction. May the objection stand in the record, and I withdraw the instruction.

I will make the objection it is incompetent, irrelevant and immaterial, and not probative of any issue in this case, but I won't instruct the witness on it. I will withdraw that.



(Testimony of J. B. Boyett.)

Mr. Walsh: That leaves us with only an objection pending.

Mr. Clark: That is right.

Mr. Walsh: I believe your Honor has ruled upon that objection, have you not?

Trial Examiner Lindsay: Yes. He may answer.

The Witness: The answer is, I do not.

Q. (By Mr. Walsh) Does the Associated Farmers of Kings County, Inc. maintain a file of those persons who are alleged to be radicals and Communists who reside in Kings County?

A. They do not.

Q. All right.

Now, I believe you stated, in answer to one of my other questions, that you maintain a file which might have some information of that kind in it.

Mr. Clark: Now, just a minute. I will object to that statement, may it please your Honor, as misstating the evidence thus far.

Mr. Walsh: If I have, the witness will correct me.

Mr. Clark: I am just making an objection that has been [1457] urged against me constantly throughout this case, not by you but by your assistant.

Trial Examiner Lindsay: May I have the question, please?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) Am I incorrect? May I ask the witness if I am incorrect in that statement?

(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: I think he did so state, as I recall his testimony.

Mr. Clark: That is not my understanding.

The Witness: I think I can clarify my answer.

Q. (By Mr. Walsh) Let us have what the facts are?

A. I did start such a file. I didn't get anywhere with it. I looked for the file before this hearing, but it is gone. It is not in my possession. I had collected no such material.

Q. But you don't have that in your possession at this time? A. No. [1458]

Q. Did you ever use any of that material in connection with your work as president of the Associated Farmers of Kings County? A. No.

Q. Now, I notice among the articles of incorporation which have been admitted into evidence here as Board's Exhibit 9, that among part of the purposes of your Association is to fight against the infiltration of subversive doctrines in the educational system and into government and to combat dictatorship of individuals or groups.

May I ask you, Mr. Boyett, what is your thought regarding the dictatorship of individuals or groups? What do you believe that to be?

Mr. Clark: I object to that upon the ground it is incompetent, irrelevant and immaterial what Mr. Boyett thinks about that. There is absolutely no evidence in this record, Mr. Examiner—and this a part of the objection—in any way linking Mr. Boyett with any of the events which are under investigation here. What his opinion is as to the language read to him is absolutely immaterial.

(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: Now, may I have the question?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I will sustain the objection.

Q. (By Mr. Walsh) Mr. Boyett, as president of the Asso- [1459] ciated Farmers of Kings County, Inc., and as director of the Associated Farmers of California, Incorporated, do you have any idea as to what dictatorship by individuals or groups is?

Mr. Clark: Same objection, Mr. Examiner, namely, that it is incompetent, irrelevant and immaterial what ideas Mr. Boyett has in either of the capacities included in the question concerning the language stated to him, and upon the further ground that the question is complex in that it involves an organization which is not named as a party to this proceeding, namely, the Associated Farmers of California, Incorporated, and upon the further ground that it is vague and indefinite, namely, what ideas have you about this and that.

Mr. Walsh: I take it that I have a right to explore the philosophy of this gentleman in his official capacity.

Mr. Clark: May I point out to the Examiner there is no connection shown between this gentleman and any of the events which are under investigation in this proceeding.

Trial Examiner Lindsay: He may answer that question.

(Testimony of J. B. Boyett.)

Mr. Clark: May I have it re-read?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I understand that calls for a yes or no [1460] answer.

Trial Examiner Lindsay: That is right.

The Witness: May I ask what the advice of counsel is on that question?

Mr. Clark: I just made my objection.

Trial Examiner Lindsay: Do you understand the question?

Mr. Clark: I am not giving you any instructions.

Trial Examiner Lindsay: Answer the question.

Mr. Clark: May I ask that it be re-read to the witness again, Mr. Examiner?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: That question may be answered yes or no.

The Witness: Yes.

Q. (By Mr. Walsh) Will you explain that, please?

Mr. Clark: I will make the same objection, Mr. Examiner, which I made to the preceding question, namely, it is incompetent, irrelevant and immaterial what idea Mr. Boyett has with respect to the language put to him; that the question is compound and complex in that it involves such ideas

(Testimony of J. B. Boyett.)

in the capacity as a director of the Associated Farmers of California, which is not a party to this proceeding and further that it is indefinite. In other words, the question opens the gate to the world, it seems to me, Mr. Examiner, [1461] what ideas have you about this and that. It is improper direct examination. This is the Board's witness and I assume that the Board is bound by his testimony.

Trial Examiner Lindsay: He may answer.

The Witness: May I ask the advice of counsel on that question?

Mr. Clark: You can answer it for all of me, if you understand the question.

Trial Examiner Lindsay: Let us proceed in an orderly way. Your counsel is down there taking care of you on the witness stand. He does not interpose an instruction. Now you may answer the question.

Read the question again.

(The record referred to was read by the reporter, as set forth above.)

The Witness: My ideas on that personally are very definite.

Q. (By Mr. Walsh) Will you give them?

A. I am strictly opposed to Communism and stand for everything that is American; I stand for American institutions and ideals and that is the reason, if I might answer this way, that I am in this Associated Farmers' work. We have never been accused of being an unpatriotic association. We are strictly and purely an American outfit and



(Testimony of J. B. Boyett.)

oppose any subversive elements from whatever source, whether it be a political racket, a labor racket, or what-not. Our purpose is [1462] lawful and our ideals are high.

Q. (By Mr. Walsh) Well, now, do you consider labor unions are dictatorial?

A. Yes, as presently constituted.

Q. Is that the official position of the Associated Farmers of Kings County, Inc.?

A. No.

Q. Then you yourself now are expressing only your personal views, is that correct?

A. That is correct. I believe—if I may answer, your Honor, a man has a right to join a labor organization. I feel that he should not be coerced into joining an organization. We do not believe in the closed shop or coercion of any kind. If a man wants to join a labor organization, we feel it is his own privilege and he has a perfect right under the law to do so, but we, as farmers, do not like to be told that in order to employ a man he has got to first join a labor union and on that principle we are going to stand.

Q. Now what do you do or what does the Associated Farmers——

Mr. Clark (Interrupting): May I have that last question read back to which this is the answer, Mr. Examiner? I have an idea there is a part of it unanswered. May I have the last question read back before Mr. Walsh puts another question?

Trial Examiner Lindsay: Yes.



(Testimony of J. B. Boyett.)

(The record referred to was read by the reporter, as set forth above.) [1463]

Mr. Clark: Now, may I have the answer?

(The answer referred to was read by the reporter, as set forth above.)

Mr. Clark: I see.

I thought he hadn't answered your question as to whether or not that was his personal opinion or not, but he did at the head of the answer.

Q. (By Mr. Walsh) Now, another one of the purposes for which this organization is incorporated is to foster and encourage respect for and to maintain law and order.

Mr. Clark: May I have it indicated, Mr. Examiner, as to whether this organization——

Mr. Walsh (Interrupting): It refers to the Associated Farmers of Kings County.

Mr. Clark: Very well.

Q. (By Mr. Walsh) Now, what does the Associated Farmers of Kings County do to maintain law and order?

A. Our activity consists solely in cooperating with the law enforcement officers.

Q. In what way do you do that, Mr. Boyett?

A. Public relations and labor relations, educational relations you might say.

Q. That is, education in the field of public relations and in the field of labor relations, is that what I understand you to mean? [1464]

A. Yes.

Q. Now, what do you do in the way of education

(Testimony of J. B. Boyett.)

in the field of labor relations that would tend to maintain law and order?

A. I might answer that question, your Honor, a little lengthily.

Q. Go ahead.

A. In other words, I feel if a man has a camp on his ranch and a group of men there, those men are here due no doubt to unfortunate circumstances and they don't have access to the papers and the public press; and about the only man he contacts is a labor organizer.

If you will pardon a personal reference, and if I may so testify, I might state that in my camp last year, last fall, every Monday morning the C. I. O. organizer pitched a bundle of trashy literature over into my camp asking those boys to strike; and immediately after doing so they could get all kinds of State assistance, Federal assistance, by simply for the asking.

I talked to them and told them that it was subversive. They were satisfied with the work, as were other camps in the community. There was no dissatisfaction. We are paying all that we could. The ratio received was the highest received for our products. There was no dissatisfaction at all from our men.

I feel that the Associated Farmers can do a great deal [1465] of good in combatting that type of subversive activity, what I call Communistic activity. It is tearing down, not building up.

Q. How do you go about it, Mr. Boyett, to follow out that program?

(Testimony of J. B. Boyett.)

A. Talking to the men, advising them in the ways of good government, good citizenship.

Q. What do you tell them generally about this propaganda that they are receiving?

A. I personally—not the Associated Farmers—

Q. Yes.

A. I never yet had an occasion to, from the standpoint of the Associated Farmers, but if you would like to have my personal viewpoint, I can give you that.

Q. Yes, I would like to have it.

A. I tell my men it is subversive, it is degrading, it is un-American. I don't feel that the taxpayers of the State of California should support a man to loaf whenever there is work available. I think that is true Americanism.

Q. You counsel them against striking, I take it?

A. Yes.

Q. You counsel them against joining these organizations that you believe to be subversive?

A. Yes, subversive organizations; yes, sir. I often told the men that have asked me that they have every right and [1466] privilege of joining a labor organization, but they are not required to.

Q. And you believe that some labor organizations, as they are now constituted, are engaged in subversive activities, is that correct?

A. I do.

Q. Now, does the Associated Farmers maintain a strategy committee for the purpose of contacting local law enforcing agencies in case of disputes arising between employees and employers?

(Testimony of J. B. Boyett.)

A. No.

Mr. Clark: Which organization?

Mr. Walsh: Referring to Kings County throughout; unless I so state, it will be the Kings County.

The Witness: My answer is no.

Q. (By Mr. Walsh) Did you during the Boswell disturbance set up any strategy committee to keep contact with the law enforcing agencies of the county in case trouble broke out? A. No.

Q. Now, Mr. Boyett, directing your attention to the other half of your business, the insurance business, do you sell any insurance to the Boswell Company? A. No. [1467]

Q. You don't cover them in any way through any of your companies?

A. No, that is true.

Q. Do you sell any of your farm produce to the Boswell Company?

A. Not in recent years. I have in years gone by, but not recently.

Q. You are dealing now with the San Joaquin Cotton Company as far as your cotton is concerned, are you not? A. Yes.

Q. And from time to time when you require financing, do you sometimes finance through the San Joaquin Cotton Company, do you not?

A. I have in the past.

Mr. Clark: May I have some indication, Mr. Examiner, so we won't lose it at this time, of the number of years the witness refers to since he has dealt with Boswell's?

(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: You may ask him the question.

Mr. Walsh: I will ask him.

Mr. Clark: I wish you would.

Q. (By Mr. Walsh) How long has it been since you dealt with the Boswell Company, Mr. Boyett?

A. I have never dealt with the Boswell Company directly. My only dealings with them is through partnership of which I have no control. [1468]

Q. You are in a partnership farming deal, I take it, at one time or another, which partnership dealt with the Boswell Company? A. Yes.

Q. How long ago was that; do you remember?

A. That is in operation now.

Q. That is in operation now? A. Yes.

Q. That partnership is composed of more than two people, is it? A. Three people.

Q. Is that operated under a fictitious name?

A. It is a corporation.

Q. What is the name of the corporation?

A. Lone Oak Farms, Incorporated.

Q. And that corporation in which you are a stockholder has some dealings with Boswell's, is that correct? A. Yes.

Q. Is that a large or a small operation?

A. 1700 acres.

Q. In this country that would be small?

A. That would be small here.

Q. And what are the nature of the dealings that the Lone Oak Farms corporation has with the Boswell Company?

(Testimony of J. B. Boyett.)

A. Farmers in the true sense of the word, like all others. [1469] We gin cotton at the Boswell gin. I don't know if we have sold them any cotton in the last year or three years. In fact, I pay very little attention to it.

Q. Does that corporation from time to time borrow money of some of the affiliated companies of the J. G. Boswell Company?

A. I believe they have in the past.

Q. Do you know whether or not there are any outstanding loans from the Boswell Company to that corporation at this time? A. I do not.

Q. Did the Associated Farmers of Kings County receive any pictures of the pickets of the Boswell Company's plant? A. No.

Q. Directing your attention to the meeting of the Board of Directors on the 26th of January, 1939, did I understand that a newspaper man was present; a publicity man, I believe you said there was present? A. Yes.

Q. Now, was he employed by a newspaper at that time, or was he just a free lance publicity man?

A. I believe he was employed by the Hanford Journal.

Q. Would you give me his name?

A. Mr. Waite.

Q. W-a-i-t-e? A. W-a-i-t-e. [1470]

Q. Now, was he engaged by the Associated Farmers of Kings County to handle publicity?

A. No.

Q. He was just there as a newspaper man for the purpose of obtaining information concerning



(Testimony of J. B. Boyett.)

the meeting, is that correct?

A. That is correct.

Q. Were there any other newspaper men present at that meeting?      A. No.

Q. Did you ever have any contact with Mr. Waite after the 26th of January, 1939?

A. No.

Q. Now, directing your attention to January 30th, 1939, in the evening of that day there was a meeting held on Mr. Sawyer's ranch, I believe, and a barbecue was held. Were you present at that meeting?      A. That was a night meeting?

Q. Yes.

A. Yes, I attended that meeting.

Mr. Clark: The date is what?

Mr. Walsh: January 30th.

The Witness: I am not sure of the date. That meeting that night was the only one that was had there, I believe.

Q. (By Mr. Walsh) Did the arrangements for the barbecue take place through your office?

A. No. [1471]

Q. Were the expenses for it paid by the Associated Farmers?      A. No.

Q. How many persons were at that meeting?

A. I judge about seven or eight hundred.

Q. Was that meeting in furtherance of the organizational drive you were starting at that time?

A. No, we had nothing to do with that meeting whatever.

Mr. Clark: By "we",—

(Testimony of J. B. Boyett.)

The Witness: (Interrupting) The Associated Farmers.

Q. (By Mr. Walsh) I take it you refer to the Associated Farmers?

A. In fact, I didn't know anything about the meeting until 5:30 that afternoon. I don't know why, but I happened to miss it, that is all.

Q. You did attend the meeting, is that correct?

A. Yes, I attended the meeting.

Q. Well, was there any meeting of the Associated Farmers on January 30th, 1939?

A. No.

Q. Was there any meeting of the Board of Directors of the Associated Farmers on January 30th, 1939?      A. No.

Q. Was there any meeting of the Executive Committee of the Board of Directors?

A. No. [1472]

Mr. Walsh: May I have a moment?

Trial Examiner Lindsay: Yes.

Mr. Clark: Mr. Examiner, may I ask for a five minute recess at this time?

Trial Examiner Lindsay: Yes. We will have a five minute recess.

(At this point a short recess was taken, after which proceedings were resumed, as follows:)

Trial Examiner Lindsay: The hearing is called to order.

Q. (By Mr. Walsh) Mr. Boyett, has there ever been reported to you a meeting of the Board of Directors at which you were not present?

Mr. Clark: May I have that question read?

(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: No.

Mr. Walsh: You may inquire.

### Cross Examination

Q. (By Mr. Clark) Mr. Boyett—may I have those Exhibits, Mr. Walsh? And particularly I want the membership list that we had yesterday. I think it is right here (indicating).

(The document referred to was passed to Mr. Clark.)

Q. (By Mr. Clark) Mr. Boyett, I show you the membership list which has been marked Board's Exhibit 11, and which I [1473] produced yesterday on behalf of the Associated Farmers of Kings County.

I will ask you whether or not I am correct in stating that this list shows all of the members as of March 1st, 1939? A. That is correct.

Q. Are there persons whose names are on that list who were not members of the Associated Farmers of Kings County, Inc. nor had any connection with that organization, on January 30th, 1939?

A. Yes, there are many on this list that were not members at that time.

Q. All right.

Can you give us the approximate membership, that is, the number of members of the Associated

(Testimony of J. B. Boyett.)

Farmers of Kings County, on January 30th of this year?

A. About one hundred twenty-nine.

Q. I see.

Do you know what the approximate number of names on the list which has been marked Board's Exhibit 11 is?

A. Over three hundred, I believe. [1474]

Q. I see.

In that connection—in connection with your answer respecting the number of members on January 30, 1939, Mr. Walsh has just directed my attention to Board's Exhibit 14(a) and I will direct your attention, Mr. Boyett, to that exhibit, and particularly the number which is opposite the words "Number of members to date" and I will ask you whether or not that refreshes your recollection as to the approximate number of members on January 30, 1939?

A. (Examining document): That must be the number there.

Q. And what is it about?

A. 140. I counted them one time. I got 129. I don't know what the date was. That is 140. That is an accurate count.

Mr. Walsh: May I observe at this time in order to help the witness refresh his recollection that this exhibit is dated November 22, 1938?

Mr. Clark: And we are asking you about January 30th.

The Witness: My answer should be 140 instead of 129.

(Testimony of J. B. Boyett.)

Q. (By Mr. Clark): The thing that Mr. Walsh is directing your attention to, Mr. Boyett, is that on Board's Exhibit 14(a), to which your attention has just been directed, appears the statement that the number of members to date of the Association is 140.

Now, that being November 22nd, 1938—now, having [1475] shown you that, can you give us the approximate number as nearly as you recollect of the members of this organization on January 30th, 1939, just roughly.

A. There wasn't very many more than that.

Q. Then what would you say?

A. Oh, probably 10 more.

Q. I see.

Well, is your answer that there were about 150 members?

A. Yes, I will make that my answer.

Q. On January 30th?

A. On January 30th.

Q. You said there were about seven or eight hundred farmers at this meeting on the Salyer ranch on January 30th?

A. That is correct.

Q. And were those actually farmers, Mr. Boyett?

A. Most of them.

Q. People there?

A. Most of them were.

Q. Did either you or anyone on behalf of the Associated Farmers of Kings County have anything whatsoever to do in any way, manner, shape or form with the calling of that meeting?

A. None whatever.

(Testimony of J. B. Boyett.)

Q. Did you or anyone on behalf of the Associated Farmers of Kings County, Inc., in any way, manner, shape or form bear any [1476] of the expense of that meeting?

A. None whatever.

Q. And I think you told us you found out about it when?

A. About 5:30 the same afternoon.

Q. All right.

A. In fact, I didn't know the tent was up there, erected. I happened to be going to the ranch and observed it and asked them what the excitement was.

Q. I see. You saw a tent erected there, is that right?      A. That is correct.

Q. Now, I want to direct your attention to the testimony which you gave concerning the attendance of the meeting of January 26, 1939. of the directors of the Associated Farmers of Kings County at Peden's Cafe in Hanford, of a representative of the Hanford newspaper.

Do you remember that testimony?

A. Yes.

Q. Will you please tell us whether or not, Mr. Boyett, at any meetings before or after the January 26th directors' meeting there have been newspaper representatives in attendance?

A. Yes, there have been.

Q. Will you please state whether or not that is a customary procedure so far as these directors' meetings are concerned? [1477]

A. That is correct. We have always tried to no-



(Testimony of J. B. Boyett.)

tify the Hanford Journal, the local paper, and the Fresno Bee.

Q. All right.

Is that so that the local newspapers can pick up at those meetings anything of interest which they may want to publish? A. That is correct.

Mr. Clark: Now, may I have the exhibit consisting of the financial statement that I submitted in response to the subpoena?

(The document referred to was passed to Mr. Clark.)

Mr. Clark: Thank you, Mr. Walsh.

Q. Now, I want to refer your attention, Mr. Boyett, or rather direct your attention to Boswell's—rather to Board's Exhibit 14(a) again, and particularly to the statement on that exhibit to the effect that a contribution of \$235.55 by J. G. Boswell Company had been mailed direct to the San Francisco headquarters of the Associated Farmers of California.

Do you see that entry? A. Yes.

Q. And that contribution was credited to the assessment—withdraw that.

Am I correct in stating that the contribution there indicated of \$235.55 was credited by the state organization [1478] to the assessment against Kings County? A. It was.

Q. All right.

Now the thing that I want you to tell us about, Mr. Boyett, is this: At any time prior to the payment or the making of that contribution by the J.

(Testimony of J. B. Boyett.)

G. Boswell Company did you in any manner or did anyone to your knowledge on behalf of the Associated Farmers of Kings County in any manner solicit it from the Boswell Company?

A. No.

Q. Will you please——

A. (Interrupting): In fact——

Q. (Continuing): ——let us have your answer.

A. My answer is no. I didn't know at that time that they were making contributions to the head office and I believe it was Mr. Strathman told me about this contribution after it was made.

Q. And by "Mr. Strathman" do you refer to the field secretary of the Associated Farmers of California?      A. That is true.

Q. And am I correct in stating that the first you ever heard of a contribution by the Boswell Company was when Strathman told you about this one which appears on the exhibit to which I directed your attention?

A. That is correct. [1479]

Q. You had no conversation about that matter with any representative of the Boswell Company prior to that time, is that true?

A. None whatever; or since, either.

Q. Or since, either.

Now may I have, please, Mr. Walsh, a copy of the subpoena served upon Mr. Boyett which Mr. McTernan showed me this morning, because I left mine at the hotel in Hanford?

Mr. Walsh: Yes.

Mr. Clark: I want particularly the ninth call.

(Testimony of J. B. Boyett.)

(The document referred to was passed to Mr. Clark.)

Mr. Clark: All I am interested in is the specification for the material which was attached to the subpoena.

Q. Now I will read you, Mr. Boyett, paragraph 9 of a document handed me by the Board's counsel and which we will assume, and I think these gentlemen will so stipulate—is paragraph 9 of the subpoena served upon you in connection with this matter.

Mr. Walsh: We so stipulate.

Mr. Clark: And upon the Associated Farmers of Kings County, to-wit:

“9. Correspondence from date of organization of the Associated Farmers of Kings County, Inc., to the date hereof, with J. G. Boswell Company relating to financial contributions, labor policy, labor relations, labor disputes or labor [1480] disturbances.”

Have you that language in mind? A. I do.

Q. Will you please state whether there ever was any such correspondence?

A. None whatever and no verbal conversations relative to any of these matters. [1481]

Q. Very well.

That is our return to that call on the subpoena.

Mr. Walsh: I will accept it.

Mr. Clark: That is all.

Mr. Walsh: May I have that Exhibit again, please, the financial Exhibit?

(Testimony of J. B. Boyett.)

Mr. Clark: Yes, indeed.

(The document referred to was passed to Mr. Walsh.)

Redirect Examination

Q. (By Mr. Walsh) Mr. Boyett, there has been introduced in evidence here as Board's Exhibit 14-C a copy of a letter from the Boswell Company to Mr. W. B. Camp, treasurer of the Associated Farmers of California, initialed by Mr. Robinson, I presume.

How did that come into your possession?

Mr. Clark: I will state for the record that that letter has never been in Mr. Boyett's possession. I procured it from the Boswell file and attached it to the only thing that I had as a financial statement to explain the discrepancy in the figures shown as Boswell's contribution between that which is given in the stipulation between you and Mr. Wingrove.

Mr. Walsh: Thank you very much.

Q. Has the Boswell Company made any other contributions to the Associated Farmers of Kings County since this September 30th, 1938 contribution to the State organization? [1482]

A. I believe they have, Mr. Walsh. I don't have the date of it here.

Mr. Clark: We can obtain whatever figures there are in that respect and submit them to you.

Mr. Walsh: All right.

Mr. Clark: I don't know exactly what they are.

Q. (By Mr. Walsh): Are you familiar, Mr.

(Testimony of J. B. Boyett.)

Boyett, with the system of assessments by the State organization against the Kings County organization?      A. Yes.

Q. Will you describe that for us, please? I believe I forgot to ask you that.

A. We are assessed on the basis of our agricultural wealth, or, I might say, the amount of agricultural products sold.

Q. By members of the local association?

A. That is by the entire County.

Q. Oh, I see.

A. Taking the agricultural valuation of the products sold in a given year for all the Counties in the State, we are assessed on that basis.

Q. Then if the agricultural products of Kings County for the year of 1939 is "X" dollars, you would be assessed on that amount, is that correct?

A. That is correct.

Q. Now, that assessment must be borne by the Association [1483] whether or not all farmers in the County are in the Association, is that correct?

A. I believe that is correct.

Q. Now, that assessment is paid by the County organization to the State organization for the support of the State organization, is it not?

Mr. Clark: I object to that last upon the ground—well, if he knows, it is all right.

Q. (By Mr. Walsh): If he knows.

Mr. Clark: "In support of the State organization," I was going to object to that as a conclusion.

The Witness: Read the question again, please?

(Testimony of J. B. Boyett.)

Mr. Clark: I have no objection to it. I withdraw that.

May I have the question read?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

The Witness: It is.

Q. (By Mr. Walsh): Do I understand then, correctly, that the contribution made by the Boswell Company which is referred to in the letter of September 20th, 1938, which has been introduced as Board's Exhibit 14-C, the amount being \$235.55, applies to their production in Kings County that was credited by the State organization against the assessment to be levied against your organization? Is that correct? [1484]

A. That is correct.

Q. Now, has the assessment for the year of 1939 been fixed by the State organization?

A. It has.

Q. Has the amount been determined that you should pay?      A. Yes.

Q. Would you tell us what that amount is, please?

A. I believe it is \$635.00; either \$635.00 or \$655.00.

Q. And has that been paid by your organization?

A. It has been paid up to date. That is on a pro-rata.

Q. Pro-rated, I take it?



(Testimony of J. B. Boyett.)

Mr. Clark: Quarterly installments, aren't they?

Q. (By Mr. Walsh): Quarterly installments?

A. That is correct.

Q. Now, have any of these payments been made by the Boswell Company?

A. No. I will qualify that answer. I believe that the Boswell payment has gone in, Mr. Walsh, but it is simply credited as a lump sum against our——

Q. (Interrupting): Just a matter of bookkeeping?  
A. Just a matter of bookkeeping, yes.

Q. Rather than sending it through you to the State organization, it is sent direct, is that correct?

A. We have never received any payments through—from the ginning company through our office. [1485]

Q. Those all go direct to the State association?

A. That is right.

Q. And are credited against your assessment, is that true?

A. We have no knowledge of what they are, the payments made.

Mr. Clark: Mr. Walsh, I will get the exact figures in that connection and submit them to you; that is, all of this assessment and whatever payments or contributions Boswell has made since the one of \$235.00 that is in evidence.

Mr. Walsh: All right. Thank you, sir.

That is all.

Mr. Clark: Just one further question, if I may,

(Testimony of J. B. Boyett.)

Mr. Examiner.

Trial Examiner Lindsay: You may.

Recross Examination

Q. (By Mr. Clark): Mr. Boyett, am I correct in stating that all the cotton ginning companies throughout the State of California, or practically all of them, make contributions to the local units of the Associated Farmers, or to the State organization similar to those made by Boswell?

A. They do.

Q. And is that upon so much a bale of the cotton?

A. Yes, that is on the basis of the amount of bales ginned.

Q. I see.

And do you know whether or not there is any other cotton ginning company in this County which makes a similar contri- [1486] bution to the State organization for your account?

A. There is.

Q. And please state the name of that Company?

A. The San Joaquin Ginning Company.

Q. All right.

Now also, am I correct in stating with regard to other agricultural activities such as citrus and dairy products and so forth, that contributions are made by cooperatives and persons occupying such positions in the same manner as by these cotton gins?

A. They do.

Mr. Clark: All right. That is all.

(Testimony of J. B. Boyett.)

Trial Examiner Lindsay: Are you through with the witness?

Mr. Walsh: I believe that is all.

(Witness excused.)

Mr. Clark: May Mr. Boyett be excused to go about his business for a little while?

Trial Examiner Lindsay: As far as I am concerned.

Mr. Walsh: If there is anything further we will need him for, I will give you 12 or 24 hours' notice.

Mr. Clark: He will be available, Mr. Walsh, throughout the entire hearing.

Mr. Walsh: All right.

Mr. Botts, take the stand, please.

Trial Examiner Lindsay: You have already been sworn. [1487]

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## HAROLD E. BOTTS

a witness called by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified as follows:

### Direct Examination

Q. (By Mr. Walsh): Will you state your full name, please?      A. Harold E. Botts.

Q. Where do you live, Mr. Botts?

A. Corcoran.

(Testimony of Harold E. Botts.)

Q. What is your business? A. Farming.

Q. You are the Secretary and Treasurer of the Associated Farmers of Kings County, Inc.?

A. Yes, sir.

Q. And I will hand you Board's Exhibits 14-A, 14-B and 14-C, which are the financial Exhibits, and ask you if those were prepared under your—prepared by you?

Mr. Clark: Just one moment. I think that question, Mr. Walsh, inadvertently includes that Boswell letter.

Mr. Walsh: I am sorry.

Q. 14-A and 14-B were prepared by you, were they?

A. 14-A refers to the adding machines——

Q. (Interrupting): Yes.

A. And the other——

Q. (Interrupting): 14-A refers to the financial report of [1488] November 22nd, 1938, and 14-B refers to the adding machine slip.

A. I did.

Q. Now, on the bottom of 14-A is a postscript which apparently was put on by a different typewriter than the balance of the financial report.

Did you put the reading matter on this particular letter following the letters "P.S.?"

A. I believe I did, although I don't recall using that second typewriter.

Q. You can see from the Exhibit that apparently two different typewriters have been used?

(Testimony of Harold E. Botts.)

A. Yes.

Q. Now, I notice that the last typewriting on the page, it states, "Original mailed to W. B. Camp."

Now, who is W. B. Camp?

A. His office, I believe, is Treasurer of the State organization.

Q. And he is located in Bakersfield, is he not?

A. Bakersfield.

Q. And those words "Original mailed to W. B. Camp," refer to what?

A. I presume it was the above statement.

Q. The financial report?

A. The financial report. [1489]

Q. Now, is there some requirement of the Associated Farmers of Kings County, Inc., which requires you to furnish a copy of the financial report to Mr. Camp?

A. Not to my knowledge. I believe that was just a request made at one time.

Q. Could this original—could this notation "Original mailed to W. B. Camp," relate to the original contributions of the San Joaquin Ginning Company and J. G. Boswell Ginning Company?

A. Let us see. (Examining document).

Q. Now, as I understand the situation, those were actually mailed to Mr. Camp. I want to get the facts straight.

A. I am not actually positive of this, but my recollection was that there was an original state-

(Testimony of Harold E. Botts.)

ment covering these two and here in the book I just added that those originals were mailed to Mr. Camp. I believe, if I can elaborate a little further——

Q. (Interrupting) Surely.

A. (Continuing) ——that we received a communication from the head office that certain contributions had been received, and I took the original and mailed them on to Camp.

Q. Now, the notation “Number of members to date, 140” relates to the date of November 22nd, 1938, is that correct?      A. That is correct.

Q. And your eventual membership roll, 500, is just wishful [1490] thinking, isn't it?

A. Yes, that is all.

Q. Now, referring to 14-B, which is the adding machine slip, you have the first item “Barbecues \$500.39.”

That is the expenses chargeable against barbecues since the beginning of the organization until——

A. (Interrupting) Yes.

Q. What date. When did you make that?

A. I imagine I made that date within the last two weeks. It was just a few days before the hearing. [1491]

Q. You got up this set of figures in response to the subpoena, is that correct?      A. Yes.

Q. Would you fix about the day? Could you?

A. When did it start?

Q. The hearing start?



(Testimony of Harold E. Botts.)

Trial Examiner Lindsay: The 18th, I believe.

The Witness: I would say it would be between the 16th and the 18th.

Mr. Walsh: Now, Mr. Clark, can we add to this 14(b) by pencil notation, that it is the financial condition as of May 18th?

Mr. Clark: Yes, indeed. I can give you the exact date. If the date the hearing commenced was on Thursday, the 18th—let me ask a question or two, if I may.

Mr. Walsh: Surely.

Mr. Clark: In this connection.

Am I correct in stating, Mr. Botts, that you made up the figures which appear on the adding machine tape at my request?

The Witness: Yes.

Mr. Clark: And was that the day before the hearing commenced? Was it the first day you met me in Corcoran?

The Witness: I believe it was the first day. I don't remember whether it was the first day I met you or I made it [1492] up the following morning. I believe I made it up the following morning.

Mr. Clark: All right.

Then the date would either be, Mr. Examiner, Wednesday, May 17th, or the day the hearing started, being Thursday, May 18th. I will make that statement for the record.

The Witness: I believe I handed you that just before you went into the opening of the hearing.

(Testimony of Harold E. Botts.)

Mr. Clark: I see. I will stipulate with you, Mr. Walsh, that the figures appearing on the adding machine tape indicate, according to Mr. Botts, under the circumstances already testified to, the financial condition of the Associated Farmers of Kings County as of the morning of May 18th of this year.

Mr. Walsh: I will accept that stipulation.

And, for the purpose of convenience, we will just mark on the exhibit "May 18."

Mr. Clark: That is quite all right.

Mr. Walsh: Financial condition as of May 18, 1939.

Mr. Clark: That is quite all right.

(The exhibit referred to was so marked by Mr. Walsh.)

Q. (By Mr. Walsh) Now, referring to the first item of Board's Exhibit 14(b), which is the adding machine tape, "Barbecues, \$500.39," can you give us the dates upon which those barbecues were held? [1493]

A. The approximate date. I believe it was the 18th of October, if I am not correct—if I am correct, the 18th of October. It was right in that neighborhood.

Mr. Clark: Of what year?

The Witness: '38.

Q. (By Mr. Walsh) Referring to Board's Exhibit 14(a) which is a financial report as of November 22nd, 1938, there is an item here "Cost of barbecues, October 18, \$381.77."

(Testimony of Harold E. Botts.)

Now, was there another barbecue?

A. All of the bills were paid from that first, the cost of that was the construction of tables and benches and I believe there were some large kettles.

Q. The equipment that you needed for the holding of it, but which quipment you probably still have, is that correct?      A. That is correct.

Q. You have had only one barbecue?

A. We had that one public barbecue.

Q. Have you had any other barbecues?

A. I think there was another one. I can't fix the date on it.

Q. Approximately when?

A. I could say some time in February, the early part of February.

Q. Where was it held? [1494]

A. It was held at the tent out on the Salyer ranch.

Q. Was that in the first week of February?

A. I don't know. That tent stayed up for about three weeks.

Q. Was it immediately following the meeting of the 30th of January?

A. No. I would say a week or ten days elapsed between that time.

Q. And the expenses for that barbecue were borne by the Associated Farmers of Kings County?

A. That was the Associated Farmers meeting, yes. The two of them are lumped together there.

Q. Now, this office, \$83.90, that is referred to as

(Testimony of Harold E. Botts.)

the second item of 14(b), is your miscellaneous office expense such as telephone calls?

A. Telephone.

Q. And paper? A. Yes.

Q. And supplies.

Now the cost of membership, \$370.80, I presume relates to the extra help that you hired to manage your drive, is that correct?

A. That is correct.

Q. So as of May 18th—no, prior to May 18th—you had received in either contributions or membership dues \$974.17 [1495] as reflected here by the deposits?

A. That is all membership dues.

Q. That is all membership dues.

The expenses of the organization up to May 18, 1939, have been \$935.17, is that correct?

A. Yes.

Q. Leaving a total, or leaving a balance of \$19.00 in the treasury as of the morning of May 18, 1939?

A. That is correct.

Q. Now, as of May 18, 1939, did you have outstanding any unpaid bills? A. A few.

Q. Would you estimate about what those would be?

Mr. Clark: I will object to that, may it please the Examiner, on the ground it is incompetent, irrelevant and immaterial unless there is some connection shown with some of the other respondents in this case. In other words, the question is too

(Testimony of Harold E. Botts.)

general in form and vague and indefinite, what unpaid obligations this organization had, if any, except with respect to the specific respondents in this matter. I have no objection to the question in that form.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question again?

Mr. Walsh: Will you read it, Mr. Reporter?

(The record referred to was read by the reporter, as [1496] set forth above.)

The Witness: (Pause) Offhand I would say somewhere around \$75; something like that.

Q. (By Mr. Walsh) So as of May 18th you wouldn't have had quite enough money?

A. Didn't have quite enough money to pay all bills.

Mr. Clark: Insolvency.

Q. (By Mr. Walsh) Now, Mr. Botts, who made the arrangements for this barbecue that you told us about that was held on the Salyer ranch in the early part of February?

A. I don't know as I can name the guiding spirit of it at all. It was simply, as I recall it, the tent was out there and we thought it desirable to have another public hearing as at this time we were in a campaign for membership and that was the idea of it, so I presume that the executive committee were the ones that more or less sponsored it with that idea in mind.

Q. Do you know—did you have any meetings of

(Testimony of Harold E. Botts.)

the Executive Committee for the purpose of making those arrangements and committing the organization to that expense?

A. No, I don't believe we did because I believe that was all delegated at the previous meeting mentioned in Mr. Boyett's testimony.

Q. Do you know at what meeting it was determined to have that barbecue? [1497]

A. When we met in Peden's Cafe. What was the date of the previous Executive—some time the latter part of January.

Q. January 28th, I believe Mr. Boyett fixed as the date.

A. One Saturday night, I remember. In talking over the membership drive we decided to hold a public meeting at some place during the month of February and that tent was out there at Salyer's, and it was offered to us if we wanted to use it.

Q. Now, had the tent at Salyer's been put up at that time, do you know?

Mr. Clark: What time does the question refer to, Mr. Examiner?

Mr. Walsh: I am referring to January 28th.

Mr. Clark: Time of this Executive Committee meeting?

Mr. Walsh: At the time of this Executive Committee meeting.

The Witness: No, I am pretty sure it was not.

Q. (By Mr. Walsh) It was not up yet? Do you know when that tent was put up?



(Testimony of Harold E. Botts.)

A. I know when I first learned of it.

Q. When was that?

A. It was about 7:00 o'clock or 6:30 on the night that the first meeting was held there.

Q. That would be 6:00 o'clock on the night of January 30, 1939? [1498]

A. It was the same day that the little incident happened that was referred to.

Q. All right.

Now I will hand you a document which we have identified as Board's Exhibit No. 11, and which is a list of the membership, there being several pages to it, of members of the Associated Farmers of Kings County, Inc., and I ask you if you prepared this list from your membership records.

A. I think I did.

Q. All right.

Now, in examining the list on the left-hand side of the page immediately preceding the name of the member, are figures. For example, preceding the name of Jesse Anderson on the first page is the figure "2."

Is that his membership number?

A. The cards are numbered, the membership cards are numbered. That is the number of his card issued to him. [1499]

Q. Now, do the numbers run in rotation indicating that Jesse Anderson was the second member of the organization?

A. No.

Q. It does not?

(Testimony of Harold E. Botts.)

A. It is purely alphabetical, I believe, and arranged by communities.

Q. I see.

I notice—the first number in Corcoran was Mr. Boyett, I notice. He was the number 1 man?

A. I will explain that.

Q. And I just thought maybe that would indicate the order in which they came to the organization.

A. There was a state convention held in Ventura—the date I don't recall.

Mr. Clark: In the fall of 1938?

The Witness: Yes, I believe it was some time in December, if I am correct, and Mr. Boyett was made a delegate. And the morning before he left I made up the membership cards which have just come back from the printer and gave him card No. 1; and from there we started off alphabetically and by communities.

Mr. Walsh: I see.

Q. Now, in this membership list, say, on the first page, I notice here some of the symbols indicating a number. For instance, Jesse Anderson, the symbol precedes the figure "2" [1500] indicating the number.      A. Yes.

Q. Now, then there are paragraphs here which have, for instance, Branch & Chambers, has one in parentheses. Does that have any different meaning?

A. Yes, there were two classes of cards issued; the regular membership bear with people primarily

(Testimony of Harold E. Botts.)

engaged in farming, and the associate members are those that are dependent on farming and interests allied with farming.

Q. When we look at the list and see the member's name preceded by figures within parentheses, that indicates they are associate members?

A. Yes.

Q. I see.

And those members whose names and numbers are preceded with the symbols indicating a number, those are the active members?

A. Yes.

Trial Examiner Lindsay: Adjourned until 2:00 o'clock.

Just a moment, please.

Mr. Clark: Mr. Examiner, during Mr. Boyett's direct examination by Mr. Walsh, Mr. Boyett was requested to carefully read through the minutes of the meetings of the board of directors of the Associated Farmers of Kings County to familiarize himself with them during the first recess. [1501]

Now, I suppose further questions will be asked. Mr. Boyett has been excused and I think that probably has been overlooked, and I thought of it a moment ago, because I intended to have him do it over the noon hour.

Mr. Walsh: I did forget it, and if he will read them over and ascertain if there are any other references to the Boswell Company, and if you will tell me what his answer is, then I will determine whether or not we need to put him back.

(Testimony of Harold E. Botts.)

Mr. Clark: Suppose I have him do that as soon as I can get ahold of him and some time during the hearing you can get ahold of him and ask him the question.

Mr. Walsh: All right.

Trial Examiner Lindsay: Adjourned until 2:00 o'clock.

(Whereupon, at 12:00 o'clock noon, an adjournment was taken until 2:00 o'clock p. m., of the same date.) [1502]

#### After Recess

(Whereupon the hearing was resumed, pursuant to recess, at 2:00 o'clock P. M.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Walsh: Mr. Botts, resume the stand.

#### HAROLD E. BOTTS

the witness on the stand at the time of recess, resumed the stand and further testified as follows:

Mr. Walsh: You may inquire, Mr. Clark.

#### Cross Examination

Q. (By Mr. Clark) Mr. Botts, there is just one question I would like to ask you.

Directing your attention to Board's Exhibit 11, which is a list, a membership list of Associated Farmers of Kings County, Inc. as of March 1, 1939, I would like to ask you whether or not you will be able from any record in your possession to indicate

(Testimony of Harold E. Botts.)

on this Exhibit those persons who were members of the Associated Farmers of Kings County on January 30 of this year?

Mr. Walsh: Counsel, for the convenience of the witness, I will stipulate that the witness may designate those who became members during the month of February. Probably that will be more convenient for him to do that than to say who were members before then, as the remaining persons would be members. [1503]

Mr. Clark: Very well.

Q. Would you be able, Mr. Botts, if I gave you a copy of this exhibit, which you could take away with you, to indicate on it those persons who became members of the Associated Farmers of Kings County, appearing on the list after January 30, 1939?

A. I believe I can do that.

Mr. Clark: All right.

Now, Mr. Examiner, I would like permission, then, to let this witness go upon the only reservation that I would like him to indicate on a copy, which I have, of this membership list, the persons who were not members on January 30th in this organization and then I will offer that in evidence.

Trial Examiner Lindsay: Is that agreeable?

Mr. Walsh: Satisfactory.

Trial Examiner Lindsay: How is he going to designate them, by a cross after each one?

Q. (By Mr. Clark) Is that the way you will do it?



(Testimony of Harold E. Botts.)

I suggest to you, Mr. Botts, that you simply put a check mark after those appearing on the list, which I will give you, who were not members or who became members after January 30, 1939, and I will recall you and have you testify.

Mr. Walsh: I wonder if we could supplement that by adding the date on which they became members?

Mr. Clark: Yes. [1504]

The Witness: I doubt if I could give you the exact date. It would probably be during the month of February. In some cases, I could give you the exact date and others I would have to guess at it.

Mr. Walsh: If you will supply us the dates when it is convenient, that will be all right.

Mr. Clark: Just one or two more questions, Mr. Lindsay.

Trial Examiner Lindsay: Before we get off this, may I ask the witness one question?

Mr. Clark: Surely.

Trial Examiner Lindsay: Do you fully understand what is expected of you to do with that list?

The Witness: My impression is to divide that list up according to my records; on one list those who were members before January 31st and the other list to include those who became members after that period.

Mr. Walsh: That is all right.

Trial Examiner Lindsay: That is all right.

Mr. Walsh: I am trying to make as little work



(Testimony of Harold E. Botts.)

as possible. I wanted you to indicate on the list which ones became members after January 30th.

Trial Examiner Lindsay: I suggest that you take that list and show this gentleman just what you expect so he will know just what to do. Now one of you gentlemen just take one name and give him an example. [1505]

Mr. Clark: I am trying to find a copy of it. I have it somewhere.

Q. Mr. Botts, I will show you the original list which has been admitted in evidence in this proceeding, being Board's Exhibit 11. I will direct your attention to the name Jesse Anderson which is the first one on the list. If you find from whatever records you have in your possession that Mr. Anderson first became a member of this organization after January 30, 1939, you see, I want you to place a cross or a check opposite his name.

Trial Examiner Lindsay: That is right, and following that is the date on which he became a member, if you have it, so it will appear like this when you get through: Here is a check and then "Became member February 3, 1939."

Do you see?

The Witness: Yes.

Trial Examiner Lindsay: That will save you the trouble of making separate copies. Is that clear?

The Witness: That is clear.

Q. (By Mr. Clark) And, Mr. Botts, after those persons who you find were members on or before

(Testimony of Harold E. Botts.)

January 30, 1939, nothing is to be placed opposite their names on the list.

Trial Examiner Lindsay: Let the record show that on Board's Exhibit 11, on the first name, Jesse Anderson, that I made a writing after that name and erased the writing so [1506] that it now appears on that exhibit as if something has been erased and it does not add to or take anything away from the exhibit itself.

Mr. Clark: That is satisfactory.

Q. Now, Mr. Botts, do I understand that the barbecue which was held in the forepart of February 1939 was first discussed at a meeting of the Executive Committee of the Associated Farmers of Kings County held at Peden's Cafe on or about January 28th?

A. That is my recollection, although no particular date was set upon. That was left to the discretion of two or three members of the board of directors. [1507]

Q. All right. That was just what I was going to ask you.

Was there any date set upon at that time, at the barbecue? A. No, there was not.

Q. Was any place designated at that time at the barbecue? A. No, there was not.

Q. What was the purpose for holding the barbecue as discussed at that Executive Committee meeting?

(Testimony of Harold E. Botts.)

A. The barbecue was to be a public barbecue at which all the farmers—citizens of the community, whether farmers or not, were invited to attend.

Q. And for what purpose, please?

A. To stimulate their interest in the membership was the primary purpose.

Q. Am I correct in stating that it was part of a membership drive which was about to be initiated by the organization?

A. It was.

Q. Now, at the time this idea was discussed at the Executive Committee meeting you have told us about, did you know whether or not there had been a tent erected on the Salyer ranch?

A. There had been none there. I recollect there was none erected there. That was at the—the Directors' Executive Committee, was held, I believe, on the last Saturday of January. I am pretty sure it was Saturday night.

Q. My question is, so far as you knew then, was there a tent [1508] available on the Salyer ranch?

A. No, we didn't know anything about it.

Mr. Clark: That is all.

#### Redirect Examination

Q. (By Mr. Walsh) Mr. Botts, do you recall how many people attended this barbecue in February that was held as a result of this Executive Committee meeting?

A. I would just have to estimate; some place, I would say, between five and seven hundred.

(Testimony of Harold E. Botts.)

Q. Were there any representatives of the State organization there as speakers?

A. I think there was, yes.

Q. Can you name those persons?

A. I believe Holmes Bishop—or is it Bishop Holmes?

Mr. Clark: Holmes Bishop.

Q. (By Mr. Walsh) Do you know what position he occupies?

A. He was the president of the State organization.

Q. And do you know where Mr. Bishop lives?

A. I believe it is in Orange County.

Q. He is not a citizen of Kings County?

A. No.

Q. An outsider?

A. Orange County, California, down near Los Angeles. I don't know what his exact address is.

Q. He is an outsider, isn't he? [1509]

Mr. Clark: I object. It is calling for a conclusion of the witness. It has been asked and answered. There is no jury here—an outlander, we might call him.

Q. (By Mr. Walsh) What did Mr. Bishop talk about?

A. As I recall, his conversation was on the program of the State organization of the Associated Farmers to carry on an educational program among all of the people through the newspapers.

(Testimony of Harold E. Botts.)

Q. Was he urging the persons at the meeting who were not members of the Kings County Association to become members?

A. I don't believe he made any reference to that. [1510]

Q. Was he demonstrating or attempting to demonstrate the value of an organization to the farming community?

Mr. Clark: We object to that on the ground it calls for an opinion and conclusion of the witness. I take it he can tell in substance what he remembers of Mr. Bishop's talk or speech, but as to the effect of it on other persons, I will make an objection.

Trial Examiner Lindsay: As to the effect on other persons, it is sustained.

May I have the question?

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: Objected to on the ground the question is improper in form and calling for the conclusion of this witness.

Trial Examiner Lindsay: He may answer that.

The Witness: Let me have that question again.

(The question referred to was read by the reporter, as set forth above.)

The Witness: My answer would be that I recall no demonstration or urging of the value of that organization to this community, but simply as a means of, you might say, better citizenship



(Testimony of Harold E. Betts.)

and a better community in which to live, not this community at all specifically, but the whole state.

Q. (By Mr. Walsh) Now, were there any other speakers there [1511] from the state organization?

A. I couldn't be definite. It may come to my mind. There were four speakers. I believe there were four speakers.

Q. Was Mr. Strathman there?

A. I don't believe he spoke there at that particular meeting. He may have.

Q. Do you recall who the other speakers were?

A. One of them was a minister from, I believe, Dinuba or Kingsburg in Fresno County.

Q. That is not in this county?

A. No; it was a Mr. Penner, a man that was born in Russia.

Q. Joe?

A. I think it was Joe's brother.

Q. All right.

Who else talked?

A. Let's see. I can't quite identify—if I heard the names on that particular program, I could tell you. I have heard several of those.

Q. Were the other speakers also from outside of the county?

A. I believe they were, yes.

Q. So, all told, you had four outside agitators in, is that right?

Mr. Clark: I object to that, may it please your



(Testimony of Harold E. Botts.)

Honor, on the ground it is absolutely uncalled for.

Trial Examiner Lindsay: Sustained. [1512]

Mr. Walsh: I will withdraw it.

Mr. Clark: If that is representing the Government of the United States in an impartial investigation of the facts having to do with a Federal statute, I miss my guess—Joe Penner, and outside agitators.

Mr. Walsh: I am only demonstrating the facts, if the Court please.

Trial Examiner Lindsay: I sustained the objection, and the remarks are unnecessary.

Mr. Clark: Very well. I have nothing to say.

Mr. Walsh: You may inquire.

Mr. Clark: No further questions.

Mr. Walsh: That is all.

Trial Examiner Lindsay: That is all.

(Witness excused.)

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Mr. Walsh: Mr. Riley.

Mr. Miller: If the Court please, my name is Mr. Walter Miller. I am an attorney in Corcoran. Mr. Riley asked me to represent his interests as he testifies. I don't believe it will be necessary for me to take any part in the proceeding, but I would like to have a right to be heard if I need to be.

Mr. Walsh: I have no objection inasmuch as I intend to examine Mr. Riley upon cross examination under 2055 of the [1513] California statute.

(Testimony of Forrest Riley.)

Mr. Clark: I don't think 2055 of the California statute——

Mr. Walsh (Interrupting): On the basis that he is an adverse witness.

Mr. Clark: I object to that, Mr. Examiner, because I do not think 2055 of the California statute applies to a Federal proceeding. In fact, I have had it ruled against me on several occasions by the United States District Judges. I don't want to argue the point, but I am going to object to any such methods of examination.

To begin with, Mr. Riley is not a party so far as I know.

Trial Examiner Lindsay: Well, he may examine the witness, as I stated before, and which has been demonstrated to the fullest extent here, that as far as I am concerned I don't pay any attention to any state statutes nor do I pay any attention to any outlined procedure as to the methods of the examination of the witness. I am only interested in all of the facts, and I expect the attorneys to get those facts.

I don't limit anyone to a direct examination and then close him out. I allow redirect, cross, and recross and surcross, and if there are any other terms to fit the occasion I also allow that. [1514]

In other words, you have a right under my procedure that I follow in my hearings to examine a witness until you have exhausted all of the sub-

(Testimony of Forrest Riley.)

ject matters that might be gone into. I think I have fully demonstrated that here, by allowing different attorneys to ask questions after the examination has been completed—you may sit down, Mr. Riley, so you won't have to stand—so that I don't believe it is necessary to quarrel with that matter.

Mr. Clark: Well, I understand your Honor's method in conducting this hearing, and I simply want the record to show, Mr. Examiner, that I am not assenting in any way to counsel's statement of 2055, that that section applies to this proceeding; and I vigorously contend it doesn't apply, so if there are any later developments it won't be contended that any advantages under that Statute have been conceded by me to counsel for the Board.

That is all I wish to say about it.

Trial Examiner Lindsay: Well, we will go on in the usual way.

Mr. Walsh: Will you state your name, please?

Trial Examiner Lindsay: Off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: On the record.

Mr. Walsh: Will you state your name?

Mr. Riley: Forrest Riley. [1515]

Mr. Walsh: Where do you live?

Mr. Riley: Corcoran, seven miles out of Corcoran.

Mr. Walsh: I don't believe the witness has been sworn, your Honor.

## FORREST RILEY

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

## Direct Examination

Q. (By Mr. Walsh) Where do you live?

A. I live seven miles outside of Corcoran.

Q. What is your business?

A. I am a farmer.

Q. Are you a member of the Associated Farmers of Kings County?      A. Yes, sir.

Q. When did you become a member?

A. Last fall some time. I don't remember the date.

Q. Have you ever held any office in that organization?      A. No.

Q. How big a farm do you run? How many farms do you run?

A. Oh, my daughter and I together farm about 20,000 acres.

Q. What are the products that you raise?

A. Cotton and grain, alfalfa.

Q. What grains? [1516]

A. Barley, wheat.

Q. Now, do you have any interest in the J. G. Boswell Company?      A. No.

Q. Do you have business dealings with the J. G. Boswell Company?

A. Oh, I have from time to time, but not lately.

(Testimony of Forrest Riley.)

Q. How recently have you had any dealings with the J. G. Boswell Company?

A. I can't recall.

Q. Did you ever do any financing through affiliated companies of the Boswell Company?

Mr. Clark: May I have those companies indicated, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. Walsh: I will withdraw the question.

Q. Have you ever had any financial dealings with the J. G. Boswell Company, the J. G. Boswell Ranch Company, the J. G. Boswell Farm Loan Company, the J. G. Boswell Grain and Oil Mill Company? Have you ever had any dealings with any of those? A. I have.

Q. Which ones, Mr. Riley?

A. I guess it was Boswell Farm Loan Company, as far as I know. [1517]

Q. That involved a crop financing, did it?

A. Yes.

Q. Do I understand—is my understanding correct that when the occasion arises, or the need arises, that sometimes farmers borrow money and mortgage the crop to the person from whom they borrowed the money? A. Yes.

Q. That is correct, is it not? A. Yes.

Q. And that was the type of business dealing that you had with the Boswell Company?

A. Yes, but I haven't had any such dealings since 1933.

(Testimony of Forrest Riley.)

Q. 1933.

Have you ever sold in the last year any of your products to the Boswell Company, the J. G. Boswell Company? A. No.

Q. To whom do you sell, or to whom have you sold your products in the last two years?

A. I have sold to Anderson-Clayton Company and—I don't recall. I have sold cotton to several different people.

Q. Anderson-Clayton Company have a subsidiary company in this community?

A. Yes, called the San Joaquin Cotton Oil Company, I believe.

Q. Now, have you had any financial transactions in the way of loans from the San Joaquin Cotton Oil Company in the last [1518] two years?

A. Yes.

Q. How many such loans have you had from them? A. I can't recall.

Q. A great number, is that right?

A. Yes.

Q. All right.

Do you employ a number of people on your various farms?

A. Yes, at certain times I do, more than other times.

Q. About what is the peak of your employment, Mr. Riley?

A. Well, the peak is right now, around fifty men.



(Testimony of Forrest Riley.)

Q. About fifty men?

A. I don't mean now; I mean the peak is the cotton picking season.

Q. How many do you employ during the peak of the cotton picking season?

A. I can't say—one hundred, one hundred fifty.

Q. How many acres of cotton do you have this year?

A. I believe I have about 1400.

Q. The balance of your operation is in grain, hay?

A. (Nodding head affirmatively.)

Mr. Clark: Will you please answer so the reporter can get it, Mr. Riley? You just nodded your head then.

The Witness: Yes.

Q. (By Mr. Walsh) Now, Mr. Riley, directing your attention to [1519] January 30th, 1939, will you tell us where you were around 8:00 o'clock in the morning of that day?

A. I don't recall that day.

Q. Well, maybe I can make it a little more clear.

January 30th, I believe, has been identified as the day upon which a number of men, including yourself, ran pickets away from the Boswell plant. They said a great number of farmers came to the Boswell plant and told the pickets to leave, and you have been identified as being in that group of men.

(Testimony of Forrest Riley.)

A. Was that the 31st of January?

Q. I believe it is the 30th.

A. The 30th. You want me——

Q. (Interrupting) First, maybe I can make it a little simpler.

Where did you find out that there was going to be a gathering of farmers for the purpose of calling upon the picket line and asking them to disband? A. I don't remember.

Q. Well, now, were you with that group of men that came to the Boswell plant about 10:00 o'clock in the morning? A. Yes, I was there.

Q. Where did you meet those men?

A. At Mr. Salyer's place.

Q. Do you recall about what time you met them there?

A. Sometime in the morning, after 8:00 or 9:00 o'clock—10:00 o'clock. I don't remember. [1520]

Q. How many men were there?

A. I don't know.

Q. What is your estimate?

A. Two or three hundred; between two and three hundred.

Q. Did they all drive their own cars?

A. I don't know.

Q. Did you have anyone in the car with you?

A. No.

Q. You were alone?

A. Yes, I was alone.

Q. Who told you there was going to be such a meeting?

(Testimony of Forrest Riley.)

A. I don't remember. I heard it so many places I can't recall.

Q. When did you first hear it?

A. Oh, sometime in the week before.

Mr. Clark: May I have that answer, Mr. Examiner.

Trial Examiner Lindsay: Read it.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) Would that be as early as the 19th of January?

A. I can't tell. I never kept any dates. I don't know.

Q. What is your best recollection? I can't expect you to remember the exact dates.

A. I can't recall what day it was; sometime before that day [1521] when we went down there.

Q. Was it two days?

A. I can't tell. I would think it was longer than that.

Q. Some time between two days and a week?

A. Somewhere in there.

Q. -Would you say it was four days?

A. I really can't recall.

Q. Do you remember the day of the week that you heard it? A. I do not.

Q. Did you tell anybody else that there was going to be a meeting?

A. I can't recall that, because everybody was talking about it.

(Testimony of Forrest Riley.)

Q. It was a matter of general knowledge throughout the farming community they were going to meet at Salyer's place some time in the morning of the 30th, is that right?

A. Well, it was some morning. I don't remember the date.

Q. Well, if the date has been testified to by other people as the 30th, would that seem about the time to you?

A. If that was the day, that was the day.

Mr. Clark: I don't think that question was answered, Mr. Examiner.

Trial Examiner Lindsay: He said if that was the day, that was it.

Mr. Clark: I mean before that. I don't think there is any [1522] response to Mr. Walsh's question as to whether or not this was a matter of general knowledge in the farming community. I don't think there is an answer to that. [1523]

Mr. Walsh: I will re-ask that question.

Trial Examiner Lindsay: I think there is an answer. Go back and get that, Mr. Reporter.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) Will you tell us, if you desire in your own words, tell us what happened that morning rather than have me ask the questions. I would be glad to have you tell me.

A. As far as I can remember, we went down there in—down there to Mr. Salyer's place and

(Testimony of Forrest Riley.)

then went up to the gin and asked the pickets to leave.

Q. Now, were you in the front part of the line of cars or the back part or the middle?

A. I wasn't; no.

Q. I beg pardon? A. I wasn't.

Q. Do you recall who was in the front of the line? A. No.

Q. Can you give us the names of the persons present? A. No.

Q. Do you remember the names of any one person who was there?

A. I couldn't recall anybody was there because I saw so many of them I didn't pay any attention to any of them. [1524]

Q. Did you get out of the car? A. Yes.

Q. After you got to the gin? A. Yes.

Q. Did you talk with the pickets?

A. Yes. I talked with the second car that came up.

Q. Do you recall who was in that car?

A. No. I don't know any of them.

Q. Do you remember what was said?

A. I remember what I said.

Q. Will you tell me what you said?

A. Yes. They was—some of the rest of the fellows was talking to them and they sat there. I asked them if they wouldn't move on before somebody started some trouble, so they started on.

Q. That is all you said?

(Testimony of Forrest Riley.)

A. Something like that.

Mr. Clark: I would like an objection to all this line of testimony, Mr. Examiner. I will ask counsel for a stipulation that it may run to the entire line of testimony upon the ground it is incompetent, irrelevant and immaterial, and hearsay as to the respondent Associated Farmers of Kings County, Inc., no authority having been shown by that organization to this witness or anyone else with respect to the matters of January 30, 1939, and also on behalf of the other [1525] respondents in this proceeding I would like to make the same objection.

Mr. Walsh: I will stipulate that counsel may have such an objection to the entire line of questions.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Walsh) Mr. Riley, do you remember the name of any of the pickets you saw there?

A. No. I don't know any of the pickets.

Q. Do you remember the names of any of the men of this 150 or 200 men that were with you on that day?

A. I suppose I do. All the farmers in the country were there.

Q. Well, will you tell us just which ones you do remember?

A. (Pause) As far as being up to Boswell's, I don't remember seeing anyone that I remember



(Testimony of Forrest Riley.)

there now; a big crowd of people, but I can't tell some of them that was out at Salyer's place.

Q. Did all of the people who were at Salyer's place in the morning come down to the mill?

A. I don't know.

Q. I will ask you whether or not you saw these people at the Boswell plant on the morning of January 30th. I will now read the names and you answer whether you saw them there or not.

G. F. Archer? [1526]

A. I don't remember him.

Q. George Cutter?           A. No.

Q. Roy Filcher?

A. I don't remember seeing Filcher there.

Q. Ralph Gilkey?           A. No.

Q. Walter Grisham?

A. I don't know Walter Grisham.

Mr. Clark: You don't know who he is?

The Witness: No.

Q. (By Mr. Walsh) Louie Hanson?

A. No.

Q. Phil Hanson?           A. No.

Q. J. W. Hubbard?           A. No.

Q. Slim Jones?           A. No.

Q. Loyd Legget?           A. No.

Q. Do you know Loyd Legget?

A. Yes, I know Loyd Leggett.

Q. H. L. Lang?

A. I don't know Mr. Lang. [1527]

Mr. Walsh: Strike that, please. It is H. L. Haag, H-a-a-g.

(Testimony of Forrest Riley.)

Q. Do you know Mr. Haag?

A. I know Mr. Haag in Hanford.

Q. Yes, it is Mr. Haag of Hanford. Was he there that morning?

A. I don't remember seeing him.

Q. Ed Orchard? A. I don't recall.

Q. L. D. Fanner? A. No.

Q. G. F. Evans? A. I don't know him.

Q. Ralph Morgan? A. I don't know him.

Q. John Dawson? A. I don't know him.

Mr. Clark: May I have the answer?

The Witness: I don't know him.

Q. (By Mr. Walsh) E. L. Harp?

A. Harp? I know Mr. Harp but I don't recollect seeing him there.

Q. Hugo Buckner? A. No.

Q. Steve G-i-a-c-o-m-a-z-z-i? Do you know him? [1528] A. I don't know him.

Q. I don't even know how to say it.

Everett Hawes?

A. I know Everett Hawes, but I didn't see him there.

Q. George A. Smith?

A. I know George Smith.

Q. Was he there? A. I don't recollect.

Q. Charles Kimble?

A. I don't remember him at any time.

Q. E. R. Montgomery?

A. I don't know him.

Q. Joe Mackey? A. I know Joe Mackey.

(Testimony of Forrest Riley.)

Q. Was Ralph Marshal there?

A. Ralph Marshal was there.

Q. The next name is Forrest Riley.

A. He was there.

Q. He was there?           A. Yes.

Q. E. C. Salyer?

A. I don't remember seeing Mr. Salyer.

Q. Glen Sego?           A. I don't know him.

Q. Roland Squire? [1529]

A. I don't recall.

Q. William Turner?

A. I know Mr. Turner. I didn't see him at the Boswell gin.

Q. Robert Wilbur?

A. I know Mr. Wilbur. I don't remember seeing him at the gin.

Q. Brice Sherman?           A. I didn't see him.

Q. Russel Slaybough?

A. I didn't see him.

Q. Out of all of these people I have named, about how many do you know personally?

A. I think I have told you how many I knew.

Q. Well, I didn't keep track of it. I didn't count them.

Mr. Clark: I object to that, may it please the Examiner, upon the ground it is simply a mathematical calculation. Unless Mr. Riley has been keeping track of those he has answered as not knowing——

Trial Examiner Lindsay (Interrupting): If he

(Testimony of Forrest Riley.)

has an estimate, he may give it. Give an estimate if you know.

Q. (By Mr. Walsh) I will amend the question to make it easier, perhaps, for Mr. Riley: Out of the crowd at the gin about how many did you know? A. I don't know. [1530]

Q. You estimated it at about 150 or 200?

A. Quite a crowd there.

Mr. Clark: That is a misstatement of the record. He said two to three hundred.

Trial Examiner Lindsay: That is right, two to three hundred.

Mr. Walsh: I am sorry. I thought that Mr. Riley testified that there was 150 to 200. Maybe that was some other witness.

Trial Examiner Lindsay: That was some other witness.

Q. (By Mr. Walsh) Out of that crowd, Mr. Riley, do you at this time recollect anyone besides Marshall?

A. Ralph Marshall is the only one that I remember seeing there that I talked to.

Q. Did you see anybody else there that you remember that you didn't talk to?

A. Lots of people there. I don't know. I can't recall who was there.

Q. Now, did you see any strangers there that morning that you had never seen before in your life? A. I don't know.

Q. You have no recollection?

(Testimony of Forrest Riley.)

A. Lots of people there, a big crowd. I don't suppose I knew all of them.

Q. Now, let us go back to the Salyer farm or the Salyer [1531] ranch before you started. Do you recall seeing any of the men I have named here at Salyer's ranch before you started down to the mill?

Mr. Clark: May it please the Examiner, I object to the form of that question. It would be impossible for the witness to keep in his mind the names that have been suggested to him. We have taken them down and I certainly can't and I don't think Mr. Walsh could repeat them from memory. If he is to be asked about them, I suggest they be re-read to him.

Trial Examiner Lindsay: Yes. Re-read them.

Mr. Walsh: I will re-read them to the witness.

Q. I will ask you, Mr.—

Mr. Clark (Interrupting): I understand this is at the Salyer farm?

Trial Examiner Lindsay: The Salyer ranch.

Mr. Clark: Is that correct, Mr. Walsh?

Mr. Walsh: May I ask the question?

Trial Examiner Lindsay: Yes.

Mr. Clark: I just wanted to know.

Q. (By Mr. Walsh) Mr. Riley, I will ask you to direct your attention to the morning of January 30, 1939, at the Salyer ranch, and tell me whether or not any of the persons whose names I am about to read were seen by you at the Salyer

(Testimony of Forrest Riley.)

ranch before you came down to the Boswell mill.

I [1532] will read this list.

George F. Archer?

A. I don't recall Mr. Archer.

Q. Roland Bailey?

A. What was that again?

Q. Roland Bailey?

A. I don't know him.

Q. George Cutter?

A. I know George Cutter. I couldn't say he was at the Salyer place.

Q. Roy Filcher?

A. Yes. Roy Filcher was there.

Q. Ralph Gilkey?

A. I didn't see Ralph Gilkey.

Q. Raymond Gilkey?

A. I don't remember Raymond being there.

Q. Walter Grisham?

A. I don't know him.

Q. Louie Hanson?

A. I don't remember Hanson being there.

Q. Phil Hanson?

A. I don't remember him.

Q. J. W. Hubbard?

A. I don't remember Hubbard being there.

Q. Slim Jones? [1533-1553]

A. I seen Slim Jones at Mr. Salyer's ranch.

Q. Loyd Legget?           A. Mr. Legget.

Mr. Clark: May I have that answer so it will be clear?



(Testimony of Forrest Riley.)

Trial Examiner Lindsay: Mr. Legget.

Mr. Clark: May I have it indicated as to whether or not he was there or not?

Trial Examiner Lindsay: That is the answer to the question, that he was there.

Is that right, Mr. Witness?

The Witness: Yes, he was there.

Mr. Clark: Very well. All right.

Q. (By Mr. Walsh) Joe Mackey?

A. I don't remember seeing Mr. Mackey.

Q. Ralph Marshall?

A. I don't remember seeing Ralph Marshall at the ranch.

Q. Forrest Riley?

A. Forrest Riley was there.

Q. E. C. Salyer?

A. I saw Mr. Salyer there.

Q. Garland Salyer?

A. I can't recall seeing him there. [1554]

Q. Glen Sego? A. I don't know him.

Q. Ronald Squire?

A. I don't remember seeing him there.

Q. William Turner?

A. I can't remember.

Q. Robert Wilbur?

A. Yes. I seen Mr. Wilbur.

Q. Brice Sherman?

A. No, I didn't see Mr. Sherman.

Q. Russel Slaybough? A. No.

Q. W. L. Haag?

(Testimony of Forrest Riley.)

A. I don't remember seeing Mr. Haag there.

Q. E. J. Harp?           A. No.

Q. Hugo Buckner?       A. No.

Q. Steve G-i-a-c-o-m-a-z-z-i?

A. I don't know that fellow. I can't place him.

Q. Everett Howes?

A. I know Everett Howes. I don't remember seeing him at Salyer's place.

Q. George A. Smith?

A. I know Smith, but I don't remember seeing him there. [1555]

Q. Charles Kimble?

A. I don't remember seeing Mr. Kimble.

Q. E. R. Montgomery?

A. I don't know him.

Q. Ed Orchard.

A. I don't believe I know Ed.

Q. Lloyd Liggett?

A. Lloyd Liggett was there.

Q. L. D. Fanner?

A. I don't know Mr. Fanner.

Q. B. F. Evans?

A. I don't believe I know him.

Q. Ralph Morgan?

A. I don't believe I know Mr. Morgan.

Q. John Dawson?       A. Him either.

Mr. Clark: May I have that answer?

The Witness: I don't know him.

Mr. Clark: You don't know him.

Q. (By Mr. Walsh) Did anyone arrive with you in your automobile from Salyer's ranch?

(Testimony of Forrest Riley.)

A. I answered that question once; no.

Q. Is your answer still no?

A. You asked me that about a minute ago.

Q. Now, where did you go after you left the mill on that morning? [1556]

A. I came to Corcoran, back to my office.

Q. Did you attend the barbecue that was held at the Salyer ranch that evening? A. Yes.

Q. How many people were there?

A. I don't know.

Q. What would your estimate be?

A. One hundred and fifty or two hundred.

Mr. Clark: May I have the answer?

The Witness: One hundred and fifty or two hundred.

Q. (By Mr. Walsh) What was the reason the barbecue was being held?

A. Kind of a get-together.

Q. Were there speeches that night?

A. Yes.

Q. Who were the speakers?

A. Mr. Harry Lee Martin from Los Angeles.

Q. Do you know who Mr. Martin is? I mean, what his position or occupation is?

A. I believe he is an attorney.

Q. Representing any particular group of people, or just a private counsel?

A. A private counsel, so far as I know. I don't know his business.

Mr. Clark: Well—— (pause)—— [1557]

(Testimony of Forrest Riley.)

Q. (By Mr. Walsh) Did he state—what did he talk about?

A. He talked about the servative element.

Trial Examiner Lindsay: Mr. Reporter, will you go back and read back to me my discussion with the attorney representing Mr. Riley? It seems to me the record does not show I had no objection to him appearing as attorney for Mr. Riley. I don't believe the record shows I did not have any objection.

The Reporter: It was made during an off-the-record discussion.

Mr. Clark: I know that statement was made. I think you said you had no objection, and we didn't. Mr. Walsh thereupon said he didn't, and I said I didn't.

Trial Examiner Lindsay: Let the record show that I did make that statement and the attorney was permitted to appear for Mr. Riley.

Q. (By Mr. Walsh) Now, Mr. Riley, directing your attention again to the morning of January 30th at Mr. Salyer's ranch, do you have any recollection of talking with anybody there that morning?

A. I suppose I talked to several people, but I can't remember who it was now.

Mr. Clark: This being at the Salyer ranch in the morning, Mr. Walsh?

Mr. Walsh: That is right.

Q. Do you recall what you talked about? [1558]

A. No.

Q. Now, did you know that the people were to

(Testimony of Forrest Riley.)

leave the Salyer ranch and go down to the Boswell mill?      A. Everybody said they was going.

Q. Can you give the names of anyone who said they were going?      A. Everybody.

Q. Did you yourself say, "We are going down to the Boswell mill?"

A. I don't recall that I did. I went with the rest of them.

Q. Did any certain person fix the time that you were to leave the Salyer ranch?

A. Not that I know of.

Q. When did you receive notice that there was going to be a barbecue at the Salyer ranch that evening?      A. I don't remember.

Q. Do you remember who told you?

A. No.

Q. Did you know that before you went there in the morning?

A. I don't recall whether I did or not.

Q. Mr. Riley, I will hand you a paper here which has been marked for identification as Board's Exhibit 15, and I will ask you if you have ever seen that before, or a copy of it?

(Thereupon, the document above referred to was marked as Board's Exhibit No. 15 for identification.) [1559]

The Witness: (Examining document) I have seen it before.

Q. (By Mr. Walsh) Under what circumstances?

(Testimony of Forrest Riley.)

A. I believe that was a piece of paper I gave some of the pickets that were sitting in the car. I went by and told them to read this.

Mr. Clark: What time was it?

Q. (By Mr. Walsh) When was it?

A. I don't remember; two or three weeks or a month after I was down there that morning. I remember giving them a paper, and I believe that was the one.

Q. How did this come into your possession?

A. I don't remember. I got it out of my office.

Q. Did you have more than one?

A. I believe I did.

Q. Did you have a substantial number?

A. I think I had about a half a dozen.

Mr. Clark: What was the answer?

The Witness: I believe I had about a half a dozen.

Trial Examiner Lindsay: Will you talk up?  
[1560]

Q. (By Mr. Walsh) Where did you get them? Did you have them printed yourself?

A. I believe someone left them in my office.

Mr. Walsh: I would like to offer this document which is entitled "Editorial," reprinted from the Tulare Times, February 10, 1939, which has been identified as Board's Exhibit 15. I would like to offer it in evidence.

Mr. Clark: To which we object on the ground it is incompetent, irrelevant and immaterial; it is



(Testimony of Forrest Riley.)

the purest hearsay in regard to any of the respondents in this proceeding; no connection having been shown between Mr. Riley and any of the respondents which would in any manner authorize him to make any such statements or deliver any such literature to anyone.

I call the Examiner's attention to the fact that Mr. Riley is not named as a party here and that there is no authority shown from any respondents in this case to him to be passing out circulars such as that.

I would also like to direct your Honor's attention to the fact that the date of the article which you hold in your hand is February 10, 1939. That is a reprint from an article printed in some Tulare newspaper on that date and, therefore, it is totally without, or outside of the issues framed by the pleadings in this proceeding.

Trial Examiner Lindsay: The exhibit may be received in [1561] evidence.

(Thereupon the document above referred to was received in evidence and marked as Board's Exhibit No. 15.)

Q. (By Mr. Walsh) Now, Mr. Riley, did you give those papers, or similar papers to any of the employees of the Boswell Company?

A. No, I didn't.

Q. Just to the pickets, is that right?

A. I had one in my pocket like this (Indicating) and I thought it would be good literature for those boys to read. It might help them.

(Testimony of Forrest Riley.)

Mr. Walsh: That is all.

You may inquire.

Mr. Clark: May we have a short recess, your Honor?

Trial Examiner Lindsay: Yes.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Shall I proceed, Mr. Examiner?

Trial Examiner Lindsay: Yes.

#### Cross Examination

Q. (By Mr. Clark) Mr. Riley, you are not an officer or director of the Associated Farmers of Kings County, are you? A. No.

Q. Have you ever been an officer or director of that or- [1562] ganization? A. No.

Q. Will you please state whether or not you attended the gathering, we will call it, at the plant of Boswell and Company here in Corcoran on the morning of January 30, 1939, as a result of any direction, suggestion, invitation, or authority whatsoever from the Associated Farmers of Kings County?

Mr. Walsh: I object as calling for a conclusion of law.

Mr. Clark: I will submit that. Under our practice, may it please your Honor, one who is either accused of being an agent or representative—and

(Testimony of Forrest Riley.)

that is the only theory this witness could be produced on—or who actually is, has a right to testify to his authority. That is a general rule of law.

Trial Examiner Lindsay: Do you have anything to say on that?

Mr. Walsh: Yes.

As a matter of fact, the law is quite the opposite. The declaration of the agents can not bind the principal.

Mr. Clark: That is hearsay statements where testified to by a third person, but the agent may take the stand and tell his authority.

Trial Examiner Lindsay: He may answer. [1563]

Mr. Clark: May I have the question read back, Mr. Examiner?

Trial Examiner Lindsay: Yes, read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: No.

Q. (By Mr. Clark) And is that likewise true so far as any officer of the organization is concerned?

Mr. Walsh: Same objection.

Mr. Clark: Withdraw that.

Q. Now, Mr. Riley, I want to ask you whether at this gathering at the Boswell plant on the morning of January 30, 1939, in the presence of Eugene C. Ely and R. K. Martin, or either of them, you stated in substance or effect to Mr. Martin in

(Testimony of Forrest Riley.)

response to a request by him as to who was doing this anyway, the following: "We, the Associated Farmers of Kings County"?

Mr. Walsh: I object unless the witness testifies he knows the individuals named in the question.

Mr. Clark: I am laying the foundation right from the record.

Trial Examiner Lindsay: Ask him if he knows.

Q. (By Mr. Clark) Do you know who Martin is? A. No, I don't know Mr. Martin.

Q. All right. Do you know who Eugene Clark Ely is? [1564] A. No.

Mr. Clark: I will reframe the question.

Q. Will you please tell us, Mr. Riley, whether or not at the gathering at the Boswell plant on the morning of January 30, 1939, you stated in substance or effect at any time in the presence of Loyd Legget—in the presence of E. C. Salyer, Roy Filcher, and Robert Wilbur, the following: "We, the Associated Farmers of Kings County"?

Mr. Walsh: I object unless it is testified that he knows that Loyd Legget, Roy Filcher, and E. C. Salyer were present at the Boswell plant.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well. I will reframe the question.

Q. Will you please state, Mr. Legget—

Trial Examiner Lindsay (Interrupting): Mr. Riley.

Mr. Clark (Continuing): Yes.

(Testimony of Forrest Riley.)

Q. Mr. Riley, whether or not on the morning of January 30, 1939, at the gathering of the Boswell plant you stated in substance or effect to anyone that the Associated Farmers were responsible for that gathering?

Mr. Walsh: I object unless the witness testifies that there were other present that he knows.

Mr. Clark: That is in the record.

Trial Examiner Lindsay: He may answer that.

Mr. Clark: May I have the question read? [1565]

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.)

Mr. Walsh: Now, before the witness answers, may I inquire from what page of the transcript you are reading?

Mr. Clark: I am reading from page—I am not reading from any page now, Mr. Counsel, because you knocked the props out from my impeaching question, and I am asking Mr. Riley if he made any statement to that effect there.

Mr. Walsh: I will object on the ground the question being asked the witness is not correct in stating the testimony in the record.

Mr. Clark: I will submit that.

Trial Examiner Lindsay: Off the record a minute.

(Here followed discussion off the record.)



(Testimony of Forrest Riley.)

Trial Examiner Lindsay: On the record.

Mr. Clark: I will reframe the question, then.

Q. Mr. Riley, at the gathering at the Boswell plant on the morning of January 30, 1939, did you hear anyone say in effect that the Associated Farmers of Kings County were responsible for that gathering?

Mr. Walsh: I object. There has been no claim that those words were used.

Mr. Clark: I will submit that in view of the testimony I have just read to the Examiner. [1566]

Trial Examiner Lindsay: He may answer that.

The Witness: No, I never heard anybody mention the Associated Farmers.

Q. (By Mr. Clark) Did you hear the term "Associated Farmers" mentioned that morning at the plant? A. No.

Mr. Clark: That is all.

Mr. Mouritsen: Mr. Examiner, could I conduct the redirect examination?

Trial Examiner Lindsay: If that is agreeable with counsel.

Mr. Clark: I didn't hear that.

Mr. Mouritsen: Would it be agreeable if I conduct the redirect examination?

Mr. Clark: Surely.

#### Redirect Examination

Q. (By Mr. Mouritsen) Now, Mr. Riley, when Mr. Walsh was conducting the examination, I believe you testified that you didn't recall anyone who



(Testimony of Forrest Riley.)

notified you of the meeting on the morning of January 30, 1939, is that correct?

A. I believe it is.

Q. Do you recall testifying to that effect? Is that correct?

Mr. Clark: What is that question again, Mr. Examiner?

Mr. Mouritsen: Whether he recalls testifying to that [1567] effect.

Mr. Clark: To what effect?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I do not remember anybody telling me about the meeting.

Q. (By Mr. Mouritsen) And you don't recall the name of any individual who did notify you, is that correct?

Mr. Clark: Objected to on the ground it has been asked and answered.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Mouritsen) Now, do you recall when you were being asked by Mr. Clark that you testified that you weren't there because of any invitation by—given you by the Associated Farmers, is that correct?

A. No, the Associated Farmers wasn't mentioned up in that at all.

Q. Well, are you sure that the invitation given to you or the notification given you to attend that

(Testimony of Forrest Riley.)

gathering on January 30, 1939, wasn't given to you by the Associated Farmers?

A. I am sure it wasn't.

Q. Well, has anything happened to refresh your recollection in that regard? As to who did notify you on that oc- [1568] casion?

A. It is common talk all over town. Everybody said we were going to meet at Salyer's. I don't remember who told me. [1569]

Q. Now, why do you make the statement that you weren't there as the result of an invitation or notification by the Associated Farmers?

Mr. Clark: Objected to on the ground that it is argumentative.

Trial Examiner Lindsay: He may answer.

Mr. Clark: Improper redirect examination.

Trial Examiner Lindsay: He may answer.

The Witness: The Associated Farmers didn't have anything to do with that.

Q. (By Mr. Mouritsen) You stated you had no recollection as to who did notify you or invite you to that gathering?

Mr. Clark: Objected to as argumentative. It has been asked and answered.

Trial Examiner Lindsay: Sustained.

Mr. Mouritsen: Nothing further. That is all.

Mr. Clark: That is all from us, Mr. Examiner.

Mr. Walsh: I might want to recall Mr. Riley later in the proceeding. I would like to have the privilege, if the Examiner will allow, of having the

(Testimony of Forrest Riley.)

witness remain on call say for 24 hours or 12 hours, something of that kind.

Mr. Clark: You are going to be right here in the County, aren't you, Mr. Riley, for the next couple of weeks?

The Witness: I am pretty busy now. If at any time you people will let my daughter know at the office, she will get [1570] ahold of me, and I will come right away, inside of an hour or two.

Trial Examiner Lindsay: Then you are under orders of the Court here until released by all counsel, subject to recall within reasonable notice.

You think twenty-four hours' notice is reasonable notice?

The Witness: Yes, that is time enough.

Trial Examiner Lindsay: All right.

(Witness excused.)

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Mr. Walsh: Mr. E. C. Salyer.

E. C. SALYER,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Walsh) Will you state your name, please? A. E. C. Salyer.

Q. Where do you live?

(Testimony of E. C. Salyer.)

A. Corcoran, south and east of Corcoran.

Q. What is your business or occupation?

A. Farmer.

Q. How large a farming operation do you carry on?  
A. Oh, small farm; small operation.

Q. How large? How many acres?

A. I guess—I don't know how many acres. [1571]

Q. Approximttely how many?

A. I imagine eight or ten thousand acres; maybe fifteen thousand.

Q. Somewhere between eight and fifteen thousand acres?  
A. Yes.

Q. Are you a member of the Associated Farmers of Kings County?  
A. I am.

Q. Do you recall when you became a member?

A. No, I don't.

Q. Do you remember the month?

A. No, I don't.

Q. Do you remember the year?

A. It was this year.

Q. 1939?

A. Yes. I am pretty sure of that. Now, I wouldn't be positive. I am sure it was along sometime in the spring, I believe.

Q. Do you know the J. G. Boswell Company?

A. Yes, sir.

Q. Did you ever have any financial dealings with them?  
A. Quite a bit.

Q. To what extent in the last three years have

(Testimony of E. C. Salyer.)

you had financial dealings with J. G. Boswell Company or the affiliated companies?

A. I haven't got a record of that here. I would have to get [1572] that out of my office.

Q. What is your best recollection?

A. I wouldn't make a guess.

Q. Can you give us an approximate amount?

A. No.

Q. You sell the products of your farm to them?

A. Some of them.

Q. What products do you sell to them?

A. Well, sell most of the cotton.

Q. How much cotton did you have last year?

A. That I couldn't tell you.

Q. How many acres did you have?

A. I couldn't tell you that. I don't remember.

I have got the records over in my office. I could go over there and get it.

Q. What is your best recollection?

A. Well, I imagine about 150 acres. I don't remember. I wouldn't make—wouldn't testify to how many acres it was.

Mr. Clark: That was the cotton, isn't that right?

The Witness: Yes.

Q. (By Mr. Walsh) Now, Mr. Salyer, on January the 30th, 1939, did you owe the Boswell Company or any of its affiliated companies any money?

A. I imagine—yes, I did.

Q. Approximately how much? [1573]

(Testimony of E. C. Salyer.)

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial. It is an inquiry into the personal affairs of this gentleman which is not material at all to the issues here, Mr. Examiner. He said that he owed them money. Now, as to whether it is \$10.00 or \$100,000.00 I don't think makes any difference so far as its materiality is concerned.

Trial Examiner Lindsay: He may answer.

The Witness: I don't care to answer that.

Q. (By Mr. Walsh) Beg pardon?

A. I wouldn't answer that. I wouldn't know.

Trial Examiner Lindsay: Mr. Salyer, are you telling us that you are refusing to answer?

The Witness: No. I don't know. I wouldn't.

Q. (By Mr. Walsh) It is all a matter of public record, isn't it, anyway?

A. Yes. I don't know whether it is a matter of public record, but we have got it on the books down at the office.

Q. And most——

A. (Interrupting) Anybody that cares to know that has any interest at all, can know. We haven't anything to hide.

Q. Most of the transactions that you have had with the Boswell Company are in the nature of farm finances, are they not?

A. Well, various. I do lots of work for them—I have in the past,—on contract work for them, sold them products, [1574] borrowed money from them,



(Testimony of E. C. Salyer.)

done business with them various different ways; various farm equipment.

Q. Are you managing any of their farms at this time?      A. No.

Q. All the farming conducted by you is conducted on land that you own?      A. No.

Q. Some of it leased?      A. Yes.

Q. How much land do you own?

A. About 500 acres.

Q. And the balance of the acreage between eight and fifteen thousand is leased, is that correct?

A. Yes.

Q. Is any of that leased from any of the Boswell companies?      A. No.

Q. Now, directing your attention to January 30th, 1939, I believe there was a gathering of people at your farm in the morning, was there not?

A. I don't know about that.

Q. Were you at your ranch in the morning?

A. What was that question?

Trial Examiner Lindsay: Read the question.

(The record referred to was read by the reporter, as set forth above.) [1575]

The Witness: I wouldn't testify to that. I don't remember.

Q. (By Mr. Walsh) You don't remember the date?      A. No.

Q. Do you recall the date on which a gathering of people gathered around the Boswell gin and asked the pickets to leave?

(Testimony of E. C. Salyer.)

A. Yes, I don't remember the date.

Q. You don't remember the date. That has been testified to here as January 30th, 1939.

Do you have any recollection of that date?

A. No.

Q. If other witnesses have identified it as that date, would you say that that would be the date?

A. I wouldn't say it was because I haven't any——

Q. (Interrupting): You recollect the incident, don't you? A. Yes.

Q. Now, directing your attention to that incident, the morning that they gathered down at the mill and asked the pickets to leave, had not that same group of people been at your farm earlier in the morning?

A. I wasn't—I wouldn't say that, no.

Q. Were some of the people who were at the mill——

A. (Interrupting): I don't know. There were some people gathered at my ranch that morning. [1576]

Q. There were people? A. Yes.

Q. How many people, do you know?

A. Oh, two or three hundred.

Q. Were you there? A. Yes.

Q. What was the object of their visit to you that morning?

A. Well, I wouldn't say. I don't know. To go down and ask the pickets to leave there; interfering with the moving of their produce. We didn't like

(Testimony of E. C. Salyer.)

it, didn't like them, and didn't like them to be there.

Q. And so it was a consensus of the opinion of the group that they should go on down and ask them to get away, is that it?

A. I believe that is the attitude of the people in this district now, that is, people that run the country and people that do things; the people here.

Q. Well, that was their attitude on that morning too, was it not?

A. I don't know about that. I don't remember what happened. There has been so many others, 15 or 20 meetings since then.

Q. Is it quite customary that a group of two or three hundred people stop at your ranch at 9:00 o'clock in the morning?

A. There have been several times they had that many there at night.

Q. That same night you had that many there, did you not? [1577]

A. I don't know about that. I don't know; a good deal more at different times.

Q. More than——

A. (Interrupting): I wouldn't testify what night it was, or what date it was, because I don't remember.

Q. Let us identify that occasion by it being the same date on which the pickets were asked to leave the plant.

Now, how many people were at your house that night? A. I don't know.

(Testimony of E. C. Salyer.)

Q. Well, do you have any guess?

A. Seven or eight hundred.

Q. Now, getting back to the morning of that day, do you recall any of the people that were at your ranch that morning?

A. I don't think I could testify to that now.

Q. Do you recall having seen anybody there?

A. Oh, there was a lot of people there.

Q. Did you ever see anybody there that you know?

A. Lots of them. I don't remember all that was there.

Q. Do you remember the names of any individual person that was there?

A. I don't know. I wouldn't want to testify to that, they have been there so many times at different times; kind of hard—I didn't keep a record of it. I wouldn't want to testify to anything I haven't got a record of.

Q. Now, Mr. Salyer, did you have a tent up on your ranch that [1578] day?

A. No—in the morning when they met there?

Q. Yes.           A. No.

Q. When did the tent go up?

A. In the afternoon.

Q. Whose tent was it?

A. (Pause). I can't recall the outfit in Fresno. I can't recall the name.

Q. Did you rent it from them?           A. No.

Q. Did you buy it?

(Testimony of E. C. Salyer.)

A. I think we borrowed it. I don't know. Somebody said, "We want a tent," and the next thing I knew there was a tent up.

Q. Who said they wanted a tent?

A. I don't know who done that.

Q. Who put it up?

A. I couldn't tell you.

Q. Did your laborers on your farm put it up?

A. I think they helped. I am sure they did.

Q. For what purpose was the tent put up?

A. To hold meetings in.

Q. Is the tent still up?           A. No. [1579]

Q. How long did it remain up?

A. Oh, I don't know; two or three weeks.

Q. How many meetings were held in the tent?

A. I couldn't tell you that; several.

Q. More than two?

A. I wouldn't say. At least three or four—two or three anyway.

Q. Now, under whose auspices were those meetings held?

A. I couldn't tell you that. I don't know if it was under anybody's auspices.

Q. Well, who was the person who notified you that they would like to borrow your tent to hold a meeting?           A. It wasn't my tent.

Q. Who were the persons who said they would like to come out to your ranch and use the tent that was there, for the purpose of holding a meeting?

A. I don't know.

(Testimony of E. C. Salyer.)

Mr. Clark: May I ask, Mr. Examiner, that the witness speak up a little bit?

Trial Examiner Lindsay: Yes.

The Witness: I will tell you how it was. Everybody—well, everybody talking about it, and everybody—well, “let us go out and have a meeting.” I couldn’t tell you how it was. The whole God damn town, everybody.

Trial Examiner Lindsay: Let’s not swear. [1580]

The Witness: Excuse me.

First thing you know, there would be a crowd gathered there. [1581]

Q. Now, before the meeting in the morning that the pickets were asked to leave the plant, did you have any notice that people were going to come out to your ranch? A. No.

Q. You had no notice.

Did you ask anybody to come out to your ranch on that morning?

A. I don’t know whether I did or not. I might have and I might not. I wouldn’t say that I did.

Q. You heard Mr. Riley testify, didn’t you?

A. I heard part of it.

Q. You heard him say it had been talked around town about a week before that they were going to have a meeting out at your ranch?

A. Well, I don’t know whether I heard him say that, but I hadn’t heard it a week.

Q. Well, when was the first time that you knew that this group of people were going to gather at your place in the morning?



(Testimony of E. C. Salyer.)

A. I couldn't tell you that.

Q. Did you know the night before?

A. I don't know whether I did or not. I wouldn't say I did or I wouldn't say I didn't.

Q. Have you any recollection of knowing it the morning before? [1582]

A. I know it when they get up there. As I remember—I don't remember—I think I drove in and the whole yard was full.

Q. You were not at home when they came?

A. I don't remember, but I don't think I was.

Q. Do you remember where you had been?

A. No.

Q. Is that——

A. (Interrupting): That is too long ago.

Q. Is that your regular place of residence?

A. Has been for about 20 years.

Q. What time of the morning did they get there?  
A. I don't know.

Q. What time did you get home?

A. I couldn't tell you that; gee, I couldn't, meet so many people and do so many damn things, I couldn't tell you.

Q. Have you been away overnight?

A. I don't remember. I wouldn't say. I don't know whether I was home or not.

Q. Don't remember whether you got up early in the morning and went out to transact some business and got back and found them there?

A. I generally get up about 8:00 or 9:00 o'clock in the morning. [1583]

(Testimony of E. C. Salyer.)

Q. Did you ask the members of your family when they started to arrive and what they were there for?

A. No. I don't remember that.

Q. Did you talk to any of the people that were there?      A. Oh, I imagine I did.

Q. Who did you talk to?

A. I couldn't say who I did talk to; all talking at once.

Q. Anybody talk to you?

A. That I don't—I couldn't recall that.

Q. Now, did they all leave your place at one time and drive down to the Boswell mill?

A. I don't know whether they did or not.

Q. Did you go with them?

A. I went; left the ranch. I don't remember whether there was anybody with me or whether I went alone this time. I wouldn't want to testify.

Q. Did anybody ride in your car with you when you went down?      A. I don't recollect.

Q. Now, what happened when you got down to the mill?

A. A big crowd gathered around there is about all I seen of it.

Q. Do you recollect having seen anybody there that you knew in the crowd?

A. I don't believe that I could testify that I did. I [1584] couldn't tell you definitely. I wouldn't want to testify to that.

Q. All these people strangers to you?

A. No, I don't suppose they were. I don't re-

(Testimony of E. C. Salyer.)

member who was all there and who wasn't there. I wouldn't testify that I could identify one of them.

Q. Did you see Forrest Riley there?

A. I don't know whether I did or not. I wouldn't say that I did.

Q. Did you see Lloyd Liggett there?

A. I don't remember seeing him.

Q. Now, Mr. Salyer, I am going to ask you whether or not you saw any of the individuals whose names I am about to read, at the Boswell mill on the morning that the pickets were asked to leave. As I read their names, you will please tell me whether you saw them there or not.

A. Will you ask that question again?

Mr. Walsh: Will you read the question, Mr. Reporter?

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) When I refer to the Boswell mill, I mean the Boswell gin, the Boswell plant here in Mr. Corcoran.

G. F. Archer?

A. You mean did I see him there?

Q. Yes. [1585]

A. I didn't see him.

Mr. Clark: I can't hear you at all——

The Witness (Interrupting): No, I didn't.

Mr. Clark (Continuing): ——Mr. Salyer, so will you please——

May the witness be instructed to speak up, Mr. Examiner?

(Testimony of E. C. Salyer.)

Trial Examiner Lindsay: Yes. Talk just as if you were out there at the barn. (Laughter)

The Witness: I don't think you would like to hear that. (Laughter)

Trial Examiner Lindsay: I mean in volume.

Mr. Walsh: May we compromise on that?

Q. G. F. Archer?

A. Well, I didn't see him.

Q. Roland Bailey?

A. I don't know Roland Bailey.

Q. George Cutter? A. I didn't see him.

Q. Roy Filcher?

A. I don't remember seeing him.

Q. Ralph Gilkey?

A. I don't recall seeing him.

Q. Raymond Gilkey? A. No.

Q. Walter Grisham? [1586]

A. No, I don't recall seeing him.

Q. Louie Hanson? A. No.

Q. Phil Hanson? A. No, sir.

Q. J. W. Hubbard? A. No.

Q. Slim Jones? A. No.

Q. Lloyd Liggett?

A. I don't remember seeing him, either.

Q. Joe Mackey? A. No, sir.

Q. Ralph Marshall?

A. No. I couldn't recall.

Q. Forrest Riley?

A. I don't recall seeing Forrest Riley.

Q. E. C. Salyer? A. Yes. I was there.

(Testimony of E. C. Salyer.)

Q. Garland——(Interrupting, laughter.)

Trial Examiner Lindsay: Now, just a moment.  
Off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: Proceed on the record.

Q. (By Mr. Walsh) Garland Salyer? [1587]

A. I don't think he was there because I think he was working that day. I wouldn't be definite about that, but I am sure about it.

Q. Is he your son? A. My brother.

Q. Your brother.

Glen Sego?

A. I don't think I know him.

Q. Roland Squire? A. Who?

Q. Roland Squire—Ronald Squire?

A. I didn't see him.

Q. William Turner?

A. I don't remember seeing him; don't know.

Q. Brice Sherman?

A. I can't recall. I couldn't recall anybody, I don't think, that I seen there. I wouldn't want to testify that I did.

Q. Russel Slaybough? A. No.

Q. H. L. Haag?

A. Haag? I don't know Haag.

Q. E. L. Harp?

A. I don't know E. L. Harp.

Q. Hugo Buckner? [1588]

A. I didn't see him. I don't remember seeing him.

(Testimony of E. C. Salyer.)

Q. Steve Giacomazzi?

A. I don't remember him.

Q. Everett Howes? A. No.

Q. George A. Smith? A. No.

Q. Charles Kimble? A. No.

Q. E. R. Montgomery?

A. I don't know Montgomery, I don't believe.

Q. Ed Orchard?

A. I don't know Ed Orchard.

Q. Lloyd Liggett?

A. I don't remember seeing him.

Q. L. D. Fanner?

A. I don't know Fanner.

Q. G. F. Evans? A. Don't know him.

Q. Ralph Morgan?

A. I don't think I know him.

Q. John Dawson? A. I don't know him.

Q. Now, do you have any records or memoranda from which you might refresh your recollection as to who was there? [1589]

A. I didn't keep any record.

Q. Did anyone that you know of keep a record of the meeting?

A. I don't think so. I don't know. There might have been. I wouldn't say they did or didn't because I don't know.

Q. Now, directing your attention to that evening, a number of people came to your farm, to your ranch, and there was a meeting held in the tent, was there not? A. Yes, sir.

Q. For what purpose was that meeting held?



(Testimony of E. C. Salyer.)

A. Well, I don't think I am capable of testifying to that.

Q. Well, tell us what happened there.

A. Well, had some good speakers; had a good feed, lots of good farmers there.

Q. What was served to eat?

A. Roast pig, I believe. I think it was roast.

Q. Roast pig?           A. I believe it was.

Q. Who paid for it?

A. I furnished the pig, killed the pig and roasted it. I don't think anybody paid for it.

Q. Was anything else served?

A. Yes, salads and lots of good stuff to eat.

Q. That is, you obtained things necessary for the barbecue?

A. I killed the pig and had it roasted and other than that I don't know. Somebody suggest having something and in [1590] about five minutes it would be there with it.

Q. Well, did you just have one pig?

A. By God, I couldn't tell you that, one pig or two pigs. We had roast pig.

Q. At least you only contributed one?

A. I think it was a roast hog, to tell you the truth about it. It looked pretty big.

Q. Did you actually do the butchering?

A. No.

Q. How many people were there?

A. I imagine five or six or seven hundred; six or seven hundred I imagine. I don't know; just a big crowd there. I will say that.

(Testimony of E. C. Salyer.)

Q. Were there more people there in the evening than there had been that morning when you came back home?

A. In my opinion there were; pretty sure of that.

Q. Approximately how many people gathered around the Boswell gin when the pickets were asked to leave?

A. Well, it would just be a bum guess if I made it.

Q. May I have your opinion?

A. I would say two or three hundred.

Q. By the way, did you notice any strangers in the crowd; people you had never seen before?

A. I don't recall.

Q. Do you recall anyone making arrangements with you to [1591] use that tent after that first meeting for a subsequent meeting?

A. May I have that question?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't recall.

Q. (By Mr. Walsh): What became of the tent?

A. We took it down.

Q. Pardon me?

A. We took it down.

Q. Is it still at your ranch?                      A. No.

Q. Do you know who got it?

A. The people that owned it got it.

(Testimony of E. C. Salyer.)

Q. Did you ever pay any rental for it?

A. No.

Q. Now, do you recall what was said at that meeting that night, the first night meeting, after the pickets were asked to leave?

A. No, I don't.

Q. Do you have any recollection of what was said?      A. I couldn't recall what was said.

Trial Examiner Lindsay: I am not quite clear on one thing. [1592]

Did I understand that at the meeting of the night after this picket affair you had speakers there?

The Witness: Yes, we had one speaker there.

Mr. Clark: May I hear that, please? What was the answer?

Trial Examiner Lindsay: He said yes, they had one speaker there.

Mr. Walsh: Will you excuse me a moment?

You may inquire. [1593]

#### Cross Examination

Q. (By Mr. Clark): Mr. Salyer, have you ever been an officer or director of the Associated Farmers of Kings County?      A. No, sir.

Q. Never at any time; is that correct?

A. Never.

Q. You went down to the Boswell plant from your ranch on the morning of this gathering, didn't you?      A. I did.

Q. Will you please state whether your going to

(Testimony of E. C. Salyer.)

the Boswell plant on that occasion was the result of any invitation, suggestion or authority whatsoever to you from the Associated Farmers of Kings County?

Mr. Walsh: I object.

Mr. Clark: Submit it.

The Witness: No.

Mr. Walsh: I move the answer go out for the purpose of the objection.

Mr. Clark: Stipulated.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

Mr. Clark: May I have the question?

Trial Examiner Lindsay: Yes. Read the question.

(The question referred to was read by the reporter, as set forth above.) [1594]

The Witness: It was not.

Mr. Clark: Now, let me direct your attention, Mr. Walsh, to page 1367 of the transcript of this proceeding.

Mr. Walsh: I will have to let you ask it this time.

Mr. Clark: I think probably you will if I can get the answer out of him.

Q. I would like to ask you, Mr. Salyer, whether or not on the occasion of this gathering at the Boswell plant which has been referred to in your examination, you said in substance or effect to anybody in the presence of Lloyd Liggett, Roy Filcher,

(Testimony of E. C. Salyer.)

and Robert Wilbur, or any of them, the following:  
“That we, the Associated Farmers of Kings County, are responsible for this gathering at the Boswell plant?”

Mr. Walsh: I object unless he testifies that Lloyd Liggett, Roy Filcher and Robert Wilbur were present.

Mr. Clark: I will withdraw the question.

Q. Mr. Salyer, will you please tell us whether or not on the occasion of this gathering at the Boswell plant on the morning of January 30th, 1939, you stated in substance or effect to anyone whomsoever that the Associated Farmers of Kings County were responsible for the gathering at the Boswell plant?           A. I did not.

Mr. Clark: That is all.

Mr. Walsh: That is all.

Mr. Clark: That is all from us. That is all, Mr. Salyer. [1595]

Mr. Walsh: May I ask one more question?

Mr. Clark: Yes.

Mr. Walsh: How can you be sure it wasn't the Associated Farmers who asked you to come down there?

The Witness: Nobody asked me to go down there.

Mr. Walsh: Therefore, you know it was not the Associated Farmers?

Mr. Clark: Objected to on the ground it is argumentative, therefore you know this and that.

(Testimony of E. C. Salyer.)

Mr. Walsh: I admit it.

I would like to have this witness remain under the order of the Court on the same basis of Mr. Riley. I may want to recall him later. However, I will try to give him at least 12 to 24 hours' notice.

Trial Examiner Lindsay: You are to remain under the order of the court and subject to recall.

The Witness: I will be available on a couple of hours' notice any time.

Trial Examiner Lindsay: All right.

(Witness excused.)

Trial Examiner Lindsay: You have one more witness?

Mr. Walsh: Yes, one more witness. We would like a short recess before we start in.

Trial Examiner Lindsay: Yes.

(At this point a short recess was taken, after which [1596] proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Walsh: Lloyd Liggett.

### LLOYD LIGGETT

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh): Will you spell your name, Mr. Liggett?



(Testimony of Lloyd Liggett.)

A. L-l-o-y-d L-i-g-g-e-t-t.

Q. Where do you live?

A. I live in Guernsey.

Q. In Kings County? A. Yes.

Q. California? A. Yes, sir.

Q. How long have you lived there?

A. Oh, about forty years.

Q. Are you a farmer? A. Yep.

Q. How large a farm do you have?

A. I have forty acres.

Q. Do you lease any land? A. A little.

Q. How much? [1597]

A. One hundred sixty acres.

Q. Do you have any other occupation besides that of farming for yourself?

A. I am a little contractor and a cook.

Q. For whom do you contract?

A. Just whomever I can get to do work for.

Q. And what do you contract?

A. Plowing and stuff like that.

Q. Did you do work for the J. G. Boswell Company within the last year?

A. Not for wages. Just a little of the contract work, a little of it.

Q. What did you do for them?

A. When I was working for them?

Q. Yes.

A. A ditch; taking care of water.

Mr. Clark: I think the witness misunderstood the question.

(Testimony of Lloyd Liggett.)

Mr. Walsh: Yes.

Q. What did you do for the Boswell Company while you were contracting for them?

A. Plowing.

Q. How much plowing did you do for them?

A. I don't know how much. I have done quite a lot of it.

Q. How much did you work for them within the last twelve months? [1598]

A. How much contract work?

Q. Yes.

A. I don't know just how much.

Q. Do you do the work yourself, or do you have equipment and men?

A. I do some of it.

Q. Were you employed by them on the 30th day of January, 1939?

A. I don't know if I was or not. Not my own self. Maybe I might have been doing some work for them, a contract work a little.

Q. Do you have any recollection of having a contract working for them during that time?

A. I don't.

Q. You don't.

Directing your attention to the 30th day of January, which is the day that it has been testified to here that the pickets were asked to leave the Boswell plant. I will ask you whether or not on that morning you were at the Salyer ranch?

A. Yes, I was down there.

(Testimony of Lloyd Liggett.)

Q. What time did you get down there?

A. I don't know what time. In the morning some time.

Q. In the forenoon?

A. In the morning. I said in the morning. That would be the forenoon. [1599]

Q. Would it be as early as 9:00 o'clock?

A. I don't know.

Q. Were you in Hanford that morning?

A. I don't think so.

Q. Isn't it a fact that you were in Hanford at 9:30 that morning?

A. I don't know if I was or not.

Q. Do you have any recollection of having been in Hanford before you went to the Salyer ranch?

A. I don't know about being in Hanford the 30th day.

Q. Did you have any reason to go to Hanford on that day?

A. I don't know. I go to Hanford a lot of times. I go to Hanford every day or every day or two.

Q. Do you remember the day of the week that was?

A. No.

Q. How long did you remain at the Salyer ranch?

A. I do not know.

Q. Was anyone else there?

A. I imagine there were. I don't know. There are lots of men out there all the time.

Q. What is that?

(Testimony of Lloyd Liggett.)

A. Frank Salyer had lots of men there all the time working around.

Q. Did you see anyone there that didn't appear to be working? [1600]

A. I do not know.

Q. Did you see anybody there who were other farmers that you knew?

A. I couldn't tell you.

Q. Did you—would you estimate that there was a crowd of people there?

A. Oh, I imagine there was.

Q. How many do you think were there?

A. Maybe a couple of hundred.

Q. What were they doing there?

A. I don't know; just like a man going to hear about anything. You start a fight and you soon get a crowd.

Q. Was there a fight there that night?

A. No.

Q. Well, what did you go there for?

A. I just heard of the meeting out there, and I went out there.

Q. Who told you?

A. I don't know. I just heard it on the streets, somebody talking.

Q. When did you hear about it?

A. I guess I must have heard about it before I went out there that morning, or I wouldn't have went.

Q. Did you hear about it here in Corcoran?

(Testimony of Lloyd Liggett.)

A. I guess I did. [1601]

Q. Were you here in Corcoran that morning early?  
A. I don't know how early.

Q. I beg your pardon?

A. I don't know how early I was in Corcoran.

Q. Do you remember how long you stayed there?  
A. No.

Mr. Clark: There, meaning where?

Mr. Walsh: Pardon me.

Q. Do you know how long you stayed at the Salyer ranch?  
A. No.

Q. Do you know—do you remember when you left there?  
A. No.

Q. Where did you go when you left the Salyer ranch?

A. We went down to the gin, I guess.

Q. What did you do there?

A. I don't know if I did anything or not.

Q. Had you been at the Boswell Company's office that morning prior to going to the Salyer ranch?  
A. No.

Q. Did you talk with Mr. Robinson that morning before you went to Mr. Salyer's ranch?

A. No, sir.

Q. Did you talk to any official of the Boswell Company on the morning of January 30th, 1939, prior to going to the Boswell ranch? [1602]

A. I don't remember.

Q. And you are very definite that you were not at the plant before then, before you went out there?

A. I don't know if I was there or not. [1603]

(Testimony of Lloyd Liggett.)

Q. I would like to have you give us your best recollection on that.

A. I can't remember. It is too far back.

Q. If witnesses were brought here to testify that you were seen coming out of the Boswell plant, would that refresh your recollection?

A. I wasn't there that morning.

Q. Pardon me?

Mr. Clark: May I have that answer?

(The answer referred to was read by the reporter, as set forth above.)

Mr. Clark: That is that morning?

Mr. Walsh: Of January 30th, the morning the men were asked to leave the picket line.

Q. Were you at the Boswell offices?

A. That morning?

Q. Yes.           A. I don't think I was.

Q. I would like to have you be very certain about it because my information was that you were there.

Mr. Clark: I object to that manner of questioning the witness, Mr. Examiner.

Mr. Walsh: I would like the privilege of advising the witness that this is really a serious proceeding and that there might be serious consequences of his failure to [1604] not earnestly try to give us all that he knows about it.

Mr. Clark: This witness happens to be called on direct examination by the Government and it is their witness, and I object to that manner of conducting the examination.



(Testimony of Lloyd Liggett.)

Mr. Walsh: Inasmuch as he is my witness, I will instruct him.

Mr. Clark: You have no right to instruct him in that manner, according to my rules of evidence, and I will submit it so far as the Examiner is concerned.

Trial Examiner Lindsay: Let me state that when a witness takes the stand, if he knows anything about the thing, I want to have him tell it.

Q. (By Mr. Walsh) Now, Mr. Liggett, I would like you to be very careful and tell me whether or not you were at the Boswell plant, the Boswell gin, or the Boswell offices on the morning of January 30th prior to going to Mr. Salyer's ranch.

Mr. Clark: Objected to on the ground it has been asked and answered twice now.

Trial Examiner Lindsay: He may answer.

The Witness: I don't remember exactly whether I was there or not.

Q. (By Mr. Walsh) Now, will you give me the time as near as you can at which you arrived at the Salyer ranch.

A. I couldn't tell you. I don't remember. [1605]

Q. Now, did you see Mr. Salyer at his ranch that morning?

A. I don't think I did. I don't remember seeing him.

Q. Did you see Forrest Riley there?

A. Yes, I believe I did.

Q. Did you talk to him?

(Testimony of Lloyd Liggett.)

A. I don't know. I don't think so.

Q. Did you talk to anyone that you knew there that morning?

A. Well, I don't remember whether I have or not.

Q. Can you give me the name of any other person besides Forrest Riley that you saw there?

A. No, I don't believe I can.

Q. Now, I am going to ask you whether or not you saw any of the following people at the Boswell gin at the morning that the pickets were asked to leave:

G. F. Archer?

A. I don't remember seeing him.

Q. Roland Bailey?      A. I don't know him.

Q. George Cutter?

A. I don't remember seeing him.

Q. Roy Filcher?

A. I don't remember seeing Roy.

Q. Ralph Gilkey?      A. No. [1606]

Q. Raymond Gilkey?      A. No.

Mr. Clark: What does the no mean? May I ask that, Mr. Examiner, that there was no recollection, or he wasn't there positively.

The Witness: I don't remember seeing him positively.

Q. (By Mr. Walsh) I believe you had better state that in each case that you don't remember.

Louie Hanson?

A. I don't remember seeing him.

(Testimony of Lloyd Liggett.)

Q. Phil Hanson?

A. I don't remember seeing him.

Q. Phil Hammond?

A. I don't remember seeing him either.

Q. J. W. Hubbard?

A. I don't know J. W. I don't know if that is his name. I know a Hubbard, but I don't know if that is his initial.

Q. He works for the Boswell Company?

A. I don't remember seeing him there.

Q. Slim Jones?

A. No, I don't remember seeing him.

Q. Joe Mackey?

A. No, I don't remember seeing him.

Q. Ralph Marshall?

A. I don't remember seeing him. [1607]

Q. Forrest Riley?            A. Yes.

Q. E. C. Salyer?

A. No, I don't remember seeing him.

Q. Garland Salyer?

A. No, I don't remember seeing him.

Q. Glen Sego?

A. I don't remember seeing him.

Q. Ronald Squire?

A. I don't remember seeing him.

Q. William Turner?

A. I don't remember seeing him either.

Q. Robert Wilbur?

A. No, I don't remember seeing Robert.

Q. Brice Sherman?

A. I didn't see Brice.

(Testimony of Lloyd Liggett.)

Q. Russel Slaybough?

A. I don't remember seeing Russel.

Q. R. L. Haag?

A. Is he from Hanford? I don't know. I guess I know. I don't remember seeing him there.

Q. E. L. Harp?

A. I don't know him.

Q. Hugo Buckner?

A. I didn't remember seeing him. [1608]

Q. Steve Giacomazzi?

A. No, I don't remember seeing him.

Q. Everett Howes?      A. No.

Q. George A. Smith?

A. I don't remember seeing him either.

Q. Charles Kimble?

A. I don't remember seeing him either.

Q. E. R. Montgomery?

A. No, I don't remember seeing him either.

Q. Ed Orchard?      A. Not him either.

Q. L. D. Fanner?      A. Don't know him.

Q. G. F. Evans?      A. Don't know him.

Q. Ralph Morgan?      A. Don't know him.

Q. George Dawson?

A. I don't remember seeing him.

Q. Now, Mr. Liggett, did you tell anyone that there was a meeting going to be held at Mr. Sal-  
yer's ranch?

A. I don't remember telling anybody.

Q. Did you drive to Mr. Salyer's ranch alone?

A. I think I did. [1609]

Q. Did you bring anybody back with you?

(Testimony of Lloyd Liggett.)

A. I don't remember whether I did or not.

Q. Where did you go after you had left the Boswell gin and the pickets had been asked to leave?

A. I don't remember where I went.

Q. Did you recognize any of the pickets?

A. Steve Griffin.

Q. Did you talk to Steve?

A. I said a few words to him.

Q. What did you tell him?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial; hearsay as to all of these respondents, no connection shown between this witness and any of the respondents in this proceeding; and certainly no authority shown by any respondent to this witness to speak for it with regard to any of the issues in this proceeding.

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Walsh) What did you say to Steve?

A. I asked him what he was sitting there for.

Q. What did he say to you?

A. He said, "I don't know."

Q. What did you say to that?

A. I didn't say anything.

Mr. Clark: May my objection go to this whole line of conversation? [1610]

Mr. Walsh: So stipulated.

Q. Was that all you said to him?

A. As far as I remember.

Q. Did you ask him to leave?

A. I don't think I did.

(Testimony of Lloyd Liggett.)

Q. Did you hear anyone else ask the pickets to leave? A. No, I didn't.

Q. Did you talk to any of the other pickets?

A. No.

Q. Did the pickets leave?

A. I think they did.

Q. Did they have any difficulty getting the car started? A. I don't remember.

Q. Did you hear one of the pickets say that the starter of his car was broken and that they would have to push it?

A. I don't remember it.

Q. Do you remember whether or not the car was pushed until it was started?

A. No, I don't.

Q. Where did you park your car with reference to the picket car?

A. As best I remember, out between the office and the scale house.

Q. And was it in front or in the rear of the picket car?

A. Between the scale house and the office.

Q. Yes. [1611]

It was not on the highway? Was it on the highway? A. I don't remember.

Q. Now, was your car in front or in the rear of the picket car? A. I imagine in front.

Q. How far in front? A. I don't know.

Q. What is your best recollection on that?

A. 15 or 20 feet, I guess. I wouldn't say exactly how far.



(Testimony of Lloyd Liggett.)

Q. Now, were you the first car in the line of the persons coming from Mr. Salyer's ranch?

A. I don't know if I was or not. I couldn't say.

Q. Were any other cars belonging to this group of farmers parked in front of your car?

A. I don't know.

Q. Where did the other farmers park their cars?      A. I don't know.

Q. Did they—did all of the farmers remain in their cars?      A. I don't know that either.

Q. Did you see any of them on the highway or around the scale house there?

A. I didn't pay much attention to them.

Q. What were you doing?

A. Standing there, just looking on. [1612]

Q. What were you looking at?

A. What do you suppose I was looking at?

Trial Examiner Lindsay: Just a moment. Answer the question.

Q. (By Mr. Walsh) You were looking at whom? Steve Griffin?

A. I guess I was.

Q. Who was the other boy with him?

A. I don't know.

Q. Did you say anything further to Steve other than asking him what he was doing there?

A. I don't remember whether I did or not.

Q. Do you recollect of having said anything else there that day?      A. I don't remember.

(Testimony of Lloyd Liggett.)

Q. Did you hear anybody else say anything there?      A. No, I didn't.

Q. Well now, will you tell us in your own words just what took place after you arrived and parked your car and got out?      A. I done told you.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't remember what took place.

Q. (By Mr. Walsh) Did you see Roy Filcher there? [1613]

A. I don't remember seeing Roy.

Q. Did you see Mr. E. C. Salyer there?

A. Don't remember seeing Clarence there.

Q. Did you see Robert Wilbur there?

A. I don't remember seeing Robert.

Mr. Clark: That is, at the plant?

Mr. Walsh: This is at the plant at the time the pickets were asked to leave.

Mr. Clark: I see.

Q. (By Mr. Walsh) Did you hear anything that anyone else said around there?

A. No, I didn't.

Q. Do you know whether or not the pickets left, Mr. Liggett?

A. I don't know for sure; can't say.

Q. Now, did you attend the night meeting at Mr. Salyer's ranch?      A. Yes.

Q. How many people were there, would you say?

(Testimony of Lloyd Liggett.)

A. I couldn't estimate. Couldn't say.

Q. What took place there, do you remember?

A. I don't know. I was cooking, helping a little bit in the cook house. I don't know what took place.

Q. Do you know whether or not speeches were made?

A. I couldn't tell you. I was in the cook house.

Q. Now, why did you go down to the gin on the morning of January 30th? [1614]

A. I don't know whether I went down there. I don't think I went down there. The best I remember, I don't know.

Q. Well, down to the plant where the pickets were, did you go—you went down there?

A. I was down at the gin where the pickets were.

Q. Why did you go down there that morning?

A. Well, I don't remember what I went down there for.

Mr. Clark: Is there some confusion between counsel, Mr. Walsh, and the witness?

Trial Examiner Lindsay: Proceed. I don't think there is any confusion. Proceed.

Q. (By Mr. Walsh) Well, now, what I would like to know is this, Mr. Liggett: Tell me why you went from Mr. Salyer's ranch down to the Boswell Company's gin?

A. Just followed the bunch down there.

Q. Well, what purpose did you have in speaking to Steve?

(Testimony of Lloyd Liggett.)

A. Well, I don't know, just spoke to him because I knew him well.

Q. Did you have any objection to the pickets being there, Mr. Liggett?

A. I didn't myself.

Q. Did you have any cotton in the warehouse?

A. I don't remember now whether I did or not. I don't think so. I couldn't say.

Q. Beg pardon? [1615]

A. I don't think I did. I don't remember.

Q. Do you have any there now?

A. No, sir. Whether I had any then or not, I don't know for sure.

Q. Well, did you have any cotton in there this last season?      A. Did I have any there?

Q. Yes.

A. I did the first part of the season.

Q. How much did you have in there?

A. Not very much.

Q. Approximately how many bales?

A. Oh, probably fifty bales, maybe less, more or less. I don't know for sure.

Q. Is it still there?

A. No. I don't own it if it is.

Q. When did you get paid for it?

A. I don't remember.

Q. Well, did you get paid for it before the pickets were asked to leave, or afterwards?

A. I don't know. I don't remember when I got paid for it.

Mr. Walsh: You may inquire.

(Testimony of Lloyd Liggett.)

Cross Examination

Q. (By Mr. Clark) Mr. Liggett, will you give us your best recollection as to whether or not you went down to the Boswell plant on the morning of this gathering which has been referred [1616] to on your direct examination before you went to the Salyer ranch?

A. I don't remember going down there before I went to the Salyer ranch.

Q. Well, what is your best recollection whether you did or not?

A. I just don't remember whether I went down there or not.

Q. All right. That is the best you can do for us on that?

A. That is the best I can do on that.

Q. Very well.

Now, will you please tell us whether, when you went back to the Boswell plant from the Salyer ranch on that morning, you did so as the result of any invitation or suggestion or authority to you from the Associated Farmers of Kings County?

Mr. Walsh: I object.

The Witness: The Associated Farmers——

Mr. Walsh (Interrupting): Just a minute, Mr. Liggett, I have objected.

Mr. Clark: Submit it.

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Clark) You can answer that.

A. No Associated Farmer had anything to do with it that I know of.

Q. All right.

(Testimony of Lloyd Liggett.)

Now, will you please tell us, Mr. Liggett, whether or not [1617] on that morning, while you were at the Boswell plant after going there from the Salyer ranch, you stated, in substance or effect to anyone there, that the Associated Farmers of Kings County were responsible for the gathering?

Mr. Walsh: I object.

The Witness: I didn't.

Mr. Clark: I submit it.

Trial Examiner Lindsay: He may answer.

The Witness: I did not.

Mr. Clark: That is all.

Just one further thing.

Q. Did you hear the term "Associated Farmers" mentioned at all while you were down there at the plant?      A. I never did.

Mr. Clark: That is all.

#### Redirect Examination

Q. (By Mr. Walsh) Mr. Liggett, how can you be so positive that you didn't hear it when you told me you didn't remember or never heard anything said there?

Mr. Clark: Objected to as argumentative, improper redirect examination.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

Mr. Walsh: Would you read it?

Trial Examiner Lindsay: Read the question. [1618]

(The record referred to was read by the reporter, as set forth above.)



(Testimony of Lloyd Liggett.)

The Witness: Talking about the Associated Farmers?

Q. (By Mr. Walsh) Yes.

A. I don't know. I never heard Associated Farmers ever mentioned. I know that.

Mr. Clark: The question is, how are you positive of that?

The Witness: I just don't know.

Q. (By Mr. Walsh) How do you know that the Associated Farmers didn't have something to do with that?

Mr. Clark: I object to this upon the ground it is incompetent, irrelevant and immaterial, and also, may it please your Honor, assuming something which isn't in the evidence of this particular witness.

Trial Examiner Lindsay: He may answer.

Mr. Walsh: Read the question.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Well, I never heard the Associated Farmers' name mentioned.

Mr. Clark: May I have that answer read back? [1619]

Trial Examiner Lindsay: Yes. Read the answer.

(The record referred to was read by the reporter, as set forth above.)

Mr. Walsh: That is all.

Mr. Clark: No further questions from us.

Mr. Walsh: I would like to have this witness

(Testimony of Lloyd Liggett.)

remain at the orders of the court under the same circumstances as Mr. Riley and Mr. Salyer. That is all I have to offer at this time, your Honor.

Trial Examiner Lindsay: You are to remain under order of the court and you will be notified if it is necessary to call you back.

The Witness: When do you want me?

Trial Examiner Lindsay: I don't know.

Mr. Walsh: I will——

The Witness (Interrupting): Give me a couple of days' notice.

Mr. Walsh: I will give the witness at least 24 hours' notice.

Mr. Clark: Is that enough?

The Witness: I don't know—24 hours—you better give me a little more than that. I may be on the south side of the lake down there.

Mr. Walsh: If I can, I will give you more than that.

Mr. Clark: I think we can work that out. If you call [1620] any of these people, we can get the ones who can be here in a couple of hours' notice first.

You don't intend to leave the county?

A. No, no. I didn't want to be here tomorrow.

Mr. Walsh: Probably the latter part of next week.

Trial Examiner Lindsay: Now, are you familiar with court procedure?

The Witness: Not too much.

Trial Examiner Lindsay: Have you heard court hearings before?

(Testimony of Lloyd Liggett.)

The Witness (Shaking head negatively):

Trial Examiner Lindsay: Ever been in court before?

The Witness (Shaking head negatively.)

Mr. Clark: The witness is just shaking his head. May we get the answer.

Trial Examiner Lindsay: You are getting the answers?

The Reporter: Yes.

Trial Examiner Lindsay: Well, I would just like to state that if a person has information and he knows that information and he withholds it, that is a violation of an oath just as well as it is to knowingly misstate a fact. That is all.

Mr. Walsh: I would like now to announce for the benefit of the witness, and other witnesses who might be here, if you find any matter that refreshes your recollection in [1621] the next few days, you might let me know.

(Witness excused.)

Mr. Clark: That is all from us.

Mr. Walsh: That is all we have for this evening, your Honor. I might suggest, if it meets with your wishes, that we adjourn.

Trial Examiner Lindsay: Yes. We will adjourn until 8:00 o'clock in the morning.

(Thereupon, at 4:45 o'clock p. m., Friday, June 2, 1939, the hearing was adjourned to 8:00 o'clock a. m., Saturday, June 3, 1939.) [1622]

American Legion Hall  
Corcoran, California,  
Saturday, June 3, 1939.  
8:00 o'clock a.m. [1623]

### PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready.

Mr. Walsh: The Board is ready.

Mr. Cutter.

### GEORGE HENRY CUTTER

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh) State your full name, please? A. George Henry Cutter.

Q. Where do you live? A. Corcoran.

Q. What is your business or occupation?

A. Grain, feeds.

Q. Are you a member of the Associated Farmers of Kings County?

A. Associated Farmers, yes.

Q. Directing your attention to January 30th, 1939, in the morning of that day, which has been identified as the day upon which the pickets were asked to leave the Boswell gin, I will ask you whether or not you went out to the Salyer ranch in the morning. A. No, I did not. [1625]

(Testimony of George Henry Cutter.)

Q. Did you join a gathering of men at the Boswell gin?

Mr. Clark: Will you please fix the time?

Q. (By Mr. Walsh) On the morning of January 30th, 1939?

A. Well, can I answer that in a little different way?

Q. Certainly.

A. One of the boys from the plant came to the office and said there was quite a crowd gathered down there, and not knowing what it was all about, I got in my car and drove down to the plant.

Q. That is, when you say "came to the plant," I take it you mean your plant?

A. No, down to the Boswell plant.

Q. Down to the Boswell plant?

A. That is right.

Q. And where did he give you this information?

A. At my office.

Q. At your office?           A. Yes.

Q. Then you proceeded in your car down to the Boswell plant?           A. That is right.

Q. Now, will you describe in your own words just what took place there?

Mr. Clark: Now, Mr. Examiner, may I have it cleared up as to who this was that gave Mr. Cutter the first information?

Mr. Walsh: Yes. [1626]

Mr. Clark: I think he used the word "plant" at the outset. I would like to know what that refers to.

(Testimony of George Henry Cutter.)

The Witness: My warehouse foreman came to the office. He was at the back of our plant and happened to notice the cars crossing the track. In fact, I thought there were a lot of Union men descending on Boswell—that is the report I first had.

Mr. Walsh: Yes.

Mr. Clark: At the outset of your answer, you said one of the boys from the plant came to your office.

The Witness: One of the boys from the plant, from my plant; my own foreman.

Mr. Clark: What is the name of your plant?

The Witness: Cutter Grain and Mill Company.

Q. (By Mr. Walsh) Now, will you tell us just what happened after you got down to the Boswell plant?

A. I got out of my car and saw a different picture than I thought I would find there. I just saw a bunch of men just talking to some men in a car. I looked around, maybe was there about three minutes, and having some work to do, I went back to the office again. [1627]

Q. Did you hear what the men were saying to the men that were in the car?

A. No, I didn't. I wasn't that close.

Q. Did you recognize any of the men that you saw there? A. I can't say I did.

Q. Did—do you remember the names of anyone you saw there?



(Testimony of George Henry Cutter.)

A. Well, I wouldn't want to say. I can't recall any special names. I just——

Q. (Interrupting): Did you see Forrest Riley there? A. I don't believe so.

Q. Did you see Lloyd Liggett there?

A. I can't say I recall seeing him there. You see, it is some time ago. I see these men practically every day. I wouldn't recall. I didn't go down for that purpose of seeing who was there, and being so short a time there I naturally didn't look around to see who was there.

Q. Did you see Mr. Salyer, Mr. E. C. Salyer?

A. I wouldn't recall.

Q. Did you see Ralph Marshall there?

A. I don't recall.

Q. Did you see anyone there that you did not know, any strangers?

A. Well, there were a few, yes. I do not know who they were. [1628]

Q. What leads you to believe or what makes you recollect now that they were strangers?

A. I just didn't recognize them.

Q. You didn't recognize them?

A. Yes, I asked some party what it was all about, and I did not recognize that party.

Mr. Clark: May I have that last, please?

Trial Examiner Lindsay: Yes.

Mr. Clark: "Party," was that the word he used?

The Witness: Yes.

(Testimony of George Henry Cutter.)

Mr. Clark: May I have that answer read?

Trial Examiner Lindsay: Yes. Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) Mr. Cutter, I am going to read you a list of names and in each case I would like to have you tell me whether or not you saw these individuals at the Boswell plant on the morning of January 30, 1939.

Mr. Clark: Or, I take it, whether he is acquainted with them as you read them.

Q. (By Mr. Walsh) If you don't know, just tell me.

G. F. Archer?

A. I don't recall seeing him there.

Q. Do you know Mr. Archer?

A. Yes, I know Mr. Archer. [1629]

Q. Roland Bailey?

A. I don't know Mr. Bailey.

Roland Bailey?

Q. Yes. A. I don't know Mr. Bailey.

Q. You are George Cutter? A. Yes.

Mr. Clark: The answer is what?

The Witness: I do not know Mr. Bailey.

Q. (By Mr. Walsh) Do you know any other man by the name of Bailey who is a farmer here?

A. Mose Bailey.

Q. Mose Bailey. Was he here that morning?

A. I don't recall seeing him. [1630]

(Testimony of George Henry Cutter.)

Q. Roy Filcher?

A. I don't recall seeing him.

Q. Ralph Gilkey?           A. I don't recall.

Q. Raymond Gilkey?       A. No.

Mr. Clark: Just a moment. I don't think that the answer is getting in the record, Mr. Examiner.

The Witness: I said no.

Trial Examiner Lindsay: If it isn't, the reporter will stop him; but talk up louder.

Q. (By Mr. Walsh) Walter Grisham?

A. No.

Q. Louie Hanson?       A. No.

Q. Phil Hanson?       A. No.

Q. Clifford Hammond?   A. No.

Q. J. W. Hubbard?       A. No.

Q. Slim Jones?       A. No.

Q. Lloyd Liggett?       A. No. [1631]

Q. Joe Mackey?       A. No.

Q. Ralph Marshall?      A. No.

Q. Forrest Riley?       A. No.

Q. E. C. Salyer?       A. No.

Q. Garland Salyer?      A. No.

Q. Glen Sego?       A. No.

Q. He is sometimes known as "Doc", isn't he?

A. Pardon me?

Q. Glen Sego is sometimes known as "Doc" Sego, isn't he?

A. I don't know what his nickname is.

Q. Ronald Squire?       A. No.

Q. William Turner?      A. No.

(Testimony of George Henry Cutter.)

Q. Robert Wilbur? A. No.

Q. Brice Sherman? A. No.

Q. Russel Slaybough? [1632] A. No.

Q. W. L. Haag? A. From Hanford?

Q. Yes. A. I don't know.

Q. E. J. Harp? A. No.

Q. Hugo Buckner? A. No.

Q. Steve Giacomazzi? A. No.

Q. Everett Howes? A. No.

Q. George A. Smith? A. No.

Q. Charles Kimble? A. No.

Q. E. A. Montgomery? A. No.

Q. Ed Orchard? A. No.

Q. L. D. Fanner?

A. No, I don't know that party.

Q. G. F. Evans?

A. I don't know Mr. Evans. [1633]

Q. Ralph Morgan?

A. I don't know Mr. Morgan.

Q. John Dawson?

A. I don't know Mr. Dawson.

Q. Now, other than this person whom you asked what was going on, did you talk to anybody at the plant? A. No.

Q. Now, directing your attention to the evening of January 30th, 1939, did you attend the barbecue at the Salyer ranch? A. I did.

Q. About how many people were there?

A. Well, the tent was full. It was quite a large gathering. I would say, just guessing at it, about five hundred. I do not know. I am just guessing.

(Testimony of George Henry Cutter.)

I am not much of a guesser at crowds, though. It is just a wild guess.

Q. What would you estimate the size of the crowd to be at the Boswell plant on that morning?

A. Well, it is pretty hard for me to guess a crowd like that. It would only be my personal opinion, if you want that.

Q. I would like to have it.

A. I suppose a couple of hundred.

Q. Now, for what purpose was that barbecue held on the night of the 30th, if you know?

Mr. Clark: I object to that on the ground it calls for a conclusion of this witness. He can state, I should think, what [1634] his purpose was in going, but so far as the purpose of holding the barbecue, there is no information shown to be in the possession of this witness concerning that matter.

Trial Examiner Lindsay: He may answer.

The Witness: Well, I don't really know what the purpose was.

Q. (By Mr. Walsh) Did you hear anyone state what the purpose was? A. No, I did not.

Q. Who seemed to be in charge of the affair?

Mr. Clark: I object to that on the ground it calls for a conclusion of this witness as to who seemed to be in charge of it.

Mr. Walsh: I withdraw it.

Q. Who appeared to be in charge of the barbecue, Mr. Cutter?

(Testimony of George Henry Cutter.)

Mr. Clark: The same objection. It calls for a conclusion of this witness.

Trial Examiner Lindsay: He may answer if he knows.

The Witness: There was nobody apparently in charge that I could see down there.

Q. (By Mr. Walsh) Was there a speaker?

A. There was nobody there receiving us, or I didn't see anybody that was on any reception committee, if that is what you mean.

Q. Yes. [1635]

I just wanted to know who seemed to be directing the activities.

How did you know that a barbecue was to be held?

A. Well, now, I couldn't even answer that question. We were advised by some source, maybe it might have been phoned, or by a personal call of some kind.

Q. Did you buy a ticket or anything?

A. No.

Q. The barbecue was free, at no expense to you, at least?

A. That is right.

Q. How long did you remain there?

A. Well, I would say for about two hours, or about two and a half hours. I do not recall exactly the length of time. [1636]

Q. Do you recall about what time in the evening you arrived there?

A. No, I don't.

Q. Do you recall about what time you left?



(Testimony of George Henry Cutter.)

A. I couldn't tell that either.

Q. Did you take anybody with you to the barbecue?  
A. Yes.

Q. Who did you take?

A. I took Mrs. Cutter and my daughter, Mary Jane.

Q. Were there generally——

Mr. Clark (Interrupting): Who else?

The Witness: My daughter, Mary Jane.

Q. (By Mr. Walsh) Were there generally ladies accompanying the gentlemen at the barbecues?

A. Yes. There was quite a number of ladies there.

Q. When did you learn there was to be a barbecue held, Mr. Cutter?

A. I don't recall that, either.

Q. Now, Mr. Cutter, I believe that you stated in substance that you thought——strike that.

I believe that you stated that on the morning of January 30th when your foreman came and told you that there was a crowd gathered around the plant, that you thought there was a bunch of union men descending upon Boswell's, and that when you arrived there that you found the situation was considerably different. [1637]

Do you recall how you found out that the situation was different than you had thought?

A. Well, I just saw one car there and it was a peaceful situation as far as I could see. There wasn't

(Testimony of George Henry Cutter.)

—we thought—I thought that possibly from the story which first came to me that there was going to be some real action down there. That is why I went down there to see what it was all about. I found a peaceful situation down there and it was entirely different from what I expected.

Q. You had expected to find union men about to—or strangers, men of the union, about to participate in a riot?

A. I didn't know. That is when the boy came in, that there was a bunch of boys crossing the track, I think a bunch of union men descending on Boswell's. That was the report. I didn't know what to expect down. I didn't necessarily think they were union men myself. That was the report that came to me.

Q. Now, did you go alone?

A. I went down with my foreman. He was with me.

Q. And what is his name?

A. George Huston.

Q. Did he circulate among the crowd as well as yourself?

A. He was with me, yes.

Q. Now, how did you know that this was a peaceful situa- [1638] tion?

A. Well, I didn't hear much loud talking; seemed to be just more or less sort of—glanced over the car and I saw some men talking to the boys in the car, but there was nothing of any riotous nature.

(Testimony of George Henry Cutter.)

Q. Were you and your foreman armed?

A. No.

Q. Didn't you anticipate that it might be a dangerous situation into which you were getting?

A. I wasn't going to get very——

Mr. Clark (Interrupting): I object on the ground it is incompetent, irrelevant and immaterial; speculative, improper direct examination, and argumentative.

Trial Examiner Lindsay: He may answer. [1639]

The Witness: I did not intend to get very close for it to be very dangerous. I was going to see it from a distance.

Q. Now, had you heard any rumors that there was going to be such a meeting?

Mr. Clark: Objected to upon the ground it is hearsay, not binding on any of the Respondents in this case.

Trial Examiner Lindsay: He may answer.

The Witness: Absolutely no. It was all a surprise to me.

Q. (By Mr. Walsh) Isn't it a fact that there had been talk going around for a week preceding that day, that this meeting was going to take place?

Mr. Clark: Objected to upon the ground it is hearsay, and also the question has been asked and answered; also argumentative.

Trial Examiner Lindsay: He may answer.

The Witness: Well, I had heard no such talk as that.

(Testimony of George Henry Cutter.)

Q. (By Mr. Walsh) You had been in town that week, had you not, the week immediately preceding the 30th of January?

A. That is right, but my work holds me pretty close to my office. I wasn't over town—in fact, I am over town very little—I was over town very little at that time of the season.

Q. Now, did you have any lengthy conversation with this man that you asked what was going on, when you got there? [1640]

A. No.

Q. Do you recall what he told you? Do you recall the words you used and the words he used?

A. No, I don't.

Mr. Clark: I will ask the Examiner to instruct the witness that he needn't recall the specific words of any such conversation, but just the substance.

Trial Examiner Lindsay: I think the witness understands.

Q. (By Mr. Walsh) Now, did you recognize any of the people who were talking with the pickets at the car?

Mr. Clark: I object to that upon the ground it has been asked and answered several times, even specifically, the names having been gone through.

Trial Examiner Lindsay: He may answer.

The Witness: No.

Mr. Walsh: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Cutter, I understand that the first you heard of any gathering at the Bos-

(Testimony of George Henry Cutter.)

well plant on the morning of January 30th, 1939, or whenever that occurred, was when one of your own employees from your plant came to you and told you that such was happening; is that right?

A. That is correct.

Q. And the same manner you have testified to in your direct examination? [1461]

A. That is correct.

Q. Now, when you got down there, how close did you get to the crowd?

A. Well, I was on the outside of the gathering there. I would say roughly about sixty feet or so.

Q. I see.

A. I am just guessing now, a guess.

Q. And do you think you were at least sixty feet from the car at which people were talking to someone?

A. Correct.

Q. I see.

And that you were on the outside of whatever crowd was gathered there?

A. That is right.

Q. In other words, you didn't intend to take a part in whatever was happening there, is that right?

A. That is quite correct.

Q. You went down merely to see what was happening?

A. Yes.

Q. Out of curiosity?

A. Correct.

Q. In your direct examination, you told Mr. Walsh, in response to his questions concerning how you were notified of the barbecue at the Salyer ranch, on the night of January 30th, that "We

(Testimony of George Henry Cutter.)

were advised," or—and you used the word "us." Do [1642] you remember that?

A. It might be a matter of habit with me.

Q. Well, will you please tell us what you meant by using the word "we" or the word "us" in that regard?

A. Well, I should have said "I was." It is merely a term with me in business. I always say "we" as a business term. Possibly I should have said "I."

Q. I see.

You did not mean to include anyone other than yourself or your family by the use of that term, is that true?      A. That is right.

Mr. Clark: That is all.

I might ask you one further question just to be sure about it.

Q. Will you please state, Mr. Cutter, whether your going to the Boswell plant on the morning of January 30th, 1939 in the manner you have described in your direct examination was pursuant to any direction, suggestion, invitation or authority whatsoever to you from the Associated Farmers of Kings County?      A. I——

Mr. Walsh (Interrupting): I object. I move that the answer be stricken for the purpose of interposing an objection.

Trial Examiner Lindsay: Sustained. The answer may be stricken.

Mr. Clark: That is all. [1643]



(Testimony of George Henry Cutter.)

Redirect Examination

Q. (By Mr. Walsh) Have you discussed the testimony you were about to give here with anyone, prior to testifying? A. No.

Q. Did you talk with Forrest Riley yesterday? A. No.

Q. E. C. Salyer? A. No.

Q. Lloyd Liggett? A. No.

Q. Had you heard that they had testified here? A. Pardon?

Q. Had you heard they had testified here?

A. Well, I heard some report they were going to testify.

Q. Did you hear any report that they did testify? A. Well, I may have.

Q. Who brought you the report?

A. Why, Mrs. Cutter has been at the meetings, and she may have mentioned it during a conversation. I don't recall.

Q. I presume you discussed it last evening when she returned? A. Possibly so, yes.

Q. Did she tell you the manner in which the gentlemen testified yesterday?

A. No. She may have mentioned it.

Q. Did she? [1644]

A. I guess she did.

Q. Do you know the substance of their testimony.

A. No, I don't know all of it; no.

Mr. Walsh: That is all.

(Testimony of George Henry Cutter.)

Recross Examination

Q. (By Mr. Clark) Mr. Cutter, Mr. Walsh's question calls for this: Did you discuss last night with Mrs. Cutter the testimony that the gentlemen named by Mr. Walsh gave here yesterday afternoon?

A. We didn't discuss it, no. She may have told me just what happened here. As far as a discussion was concerned, there was no discussion.

Q. Well, did you pay any particular attention to it? A. Well, I guess I listened.

Q. I see.

When was the first time that you met me?

A. I met you—let us see—I believe about three days ago, wasn't it, Mr. Wingrove?

Mr. Wingrove: I believe it was.

Q. (By Mr. Clark) At that time, was there any mention at all about this case? A. No.

Q. Did you have some conversation with me about two minutes before you went on the stand this morning? A. I did. [1645]

Q. And did I ask you on that occasion whether the Associated Farmers had anything to do with your going down to the plant? A. You did.

Q. And what was your answer to that?

A. No.

Q. And was that the extent of our conversation? A. Correct.

Mr. Clark: That is all.

Mr. Walsh: That is all. [1646]

(Testimony of George Henry Cutter.)

Trial Examiner Lindsay: I just have one or two questions.

Q. Do I understand you to mean, in answer to Mr. Clark's questions, that you were 60 feet away from the crowd?

A. That is an estimated figure now.

Q. Is that the closest you ever got into the crowd?

A. That is right, yes, as I recall.

Q. What did you do, holler over to this fellow you asked?

A. No, I didn't holler. He was standing next to me.

Q. So that he was not with the crowd, is that right?

A. That is right. We were on the outskirts of the crowd.

Q. Did he come over out of the crowd to you?

A. No. I happened to be standing alongside of him.

Q. So you would say he was 60 feet away from the crowd too, is that right?

A. That is right.

Q. You don't recall who that was?

A. No, I don't.

Trial Examiner Lindsay: That is all.

Mr. Clark: I understand, Mr. Cutter, that this man you talked to was a stranger to you?

The Witness: That is right.

Mr. Clark: No further questions from us.

Mr. Walsh: That is all.

## RUSSEL CHARLES SLAYBOUGH

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

## Direct Examination

Q. (By Mr. Walsh) Will you state your full name, please? A. Russel Charles Slaybough.

Q. Where do you live?

A. I live in Corcoran.

Q. What is your business or occupation?

A. Ranching.

Q. How large a ranch do you have?

A. Not very big.

Q. How many acres? A. Oh, some 300.

Q. What do you raise on it?

A. A little alfalfa, a little barley, a little cotton, a few weeds.

Q. Are you a member of the Associated Farmers? A. I certainly am.

Q. Directing your attention to January 30, 1939, which has been identified as the day upon which the pickets were asked to leave the Boswell gin, I will ask you whether or not you went to the Salyer ranch on that morning? [1650]

A. I did not.

Q. Did you go to the Boswell gin on that morning? A. No.

Q. Were you at the Boswell gin at all that day?

A. No.

Q. Did you in any way participate in asking the pickets to leave the Boswell gin?

(Testimony of Russel Charles Slaybough.)

A. I did not.

Q. Did you have any knowledge that a meeting was to be held for the purpose of asking the pickets to leave?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial. The witness has said he wasn't there, he took no part in it and, therefore, this testimony is immaterial.

Trial Examiner Lindsay: He may answer that question.

The Witness: May I have the question?

Trial Examiner Lindsay: Yes, read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Was to be held or had been held?

Trial Examiner Lindsay: Was to be held.

The Witness: No, I did not.

Q. (By Mr. Walsh) I will ask you whether or not—I will ask you again whether or not you were at the Boswell mill at the time the pickets were asked to leave? [1651]

A. And again I will answer no.

Q. All right. Fine.

Where were you on that day?

Trial Examiner Lindsay: Just a moment, Mr. Witness. You just answer the questions and we will get along very nicely.

The Witness: Thank you, sir.

Q. (By Mr. Walsh) Where were you on that day, Mr. Slaybough?

(Testimony of Russel Charles Slaybough.)

A. Well, sir, I was out of town.

Q. Can you tell me where you were?

A. Yes. I don't think I have any reason not to. I was looking at a potential jumper that morning.

Mr. Clark: Potential what?

The Witness: Jumper.

Mr. Clark: Jumping horse, is that right?

The Witness: An animal of the equine variety used for jumping purposes.

Mr. Clark: Very well. I stand admonished.

Q. (By Mr. Walsh) And where was this, Mr. Slaybough? A. Where was what?

Q. Where was it that you were looking over this horse? A. Where did I go to see the horse?

Q. Yes.

A. I went to a place known as the Hyman ranch over south [1652] and west of Lemoore.

Q. Yes.

Did you remain over there all day?

A. I did not.

Q. What time did you return to Corcoran?

A. Well, it was after lunch. I had my lunch in Peden's in Hanford.

Q. I didn't get that answer.

A. It was after lunch. I had my lunch in Hanford at the Peden's Cafe.

Q. Did you attend a barbecue on the night of the 30th at the Salyer ranch?

A. That I don't know. I wouldn't have intentionally missed any of them, but there were several and I don't know.



(Testimony of Russel Charles Slaybough.)

Q. Do you have any recollection of being there?

A. I was there at several, but I don't remember whether it was that particular one that I attended or missed.

Q. Was the barbecue that you attended held in a tent?      A. Yes.

Q. Did you have speakers there?

A. I think there were speakers there.

Q. Do you recall how many people attended?

A. No, I don't.

Q. Can you fix—do you have any way of fixing the date?

A. Nothing other than my personal assumption. [1653]

Q. With whom did you talk at the Hyman ranch about the horse, Mr. Slaybough?

A. Well, sir, I talked to a man that I met at Guernsey at 9:00 o'clock that morning. I talked to him at the Hyman ranch about the horse.

Q. Would you give us his name, please?

A. His name was George Bell. I talked to a man named Mr. Craig at the Hyman ranch who is one of the owners of the ranch and the horse. I talked to a Mr. Patton who was manager of the Hyman ranch about the horse, and as we were looking at him, I talked to a man known as Segundo who rides for the Hyman ranch. I talked to everybody that was there about the horse. And a man that came in from the field—in fact, I rode the horse, and I saw the horse work and when horse people get talking,

(Testimony of Russel Charles Slaybough.)

they usually enjoy themselves thoroughly and they are in no hurry about departing.

Q. Did you buy the horse on that day?

A. Did I what?

Q. Did you buy the horse?

A. No, I didn't.

Q. How do you fix that day that you looked at the horse as January 30th, 1939?

A. Or, in other words, the day of the rumpus down here?

Q. Yes.

A. As I sat out on the curb at Guernsey talking to Mr. Bell [1654] about that horse and other horses, horses in general, a car drove up and asked me if I had been down to Boswell's that morning, that they had a gathering down there. And I said, "No." I said, "What was it?"

He said he didn't know, he heard there was a bunch in town there which definitely at that time impressed it upon my mind; and then, of course, since then I have heard a great deal about it, especially in the last week or two.

Q. Do you recall what time you were talking to the man in Guernsey? I believe that was Mr. Bell, wasn't it?

A. Yes, sir.

Q. Can you fix the time?

A. Yes.

Q. Will you do that for me, please?

A. After lunch. After I had lunch in Hanford and driven down there to where his car was left.

Q. Yes.

(Testimony of Russel Charles Slaybough.)

Now, who was it that drove up and told you about the gathering at the Boswell plant?

A. He told me he heard there was something there, as I remember it.

Mr. Clark: Mr. Examiner, may I have the witness indicate who this is that told him about the gathering there? Do I understand that is Mr. Bell?

Trial Examiner Lindsay: No. Wait a minute. [1655]

The Witness: I——

Trial Examiner Lindsay (Interrupting): Just a minute, both of you. Just a moment, Mr. Witness. That is what the attorney is trying to have answered now, Mr. Clark.

Mr. Clark: I didn't understand that.

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: A man named Sherman. [1656]

Q. (By Mr. Walsh): Brice Sherman?

A. Right.

Q. What? A. Right.

Q. Wright Sherman?

A. No, you are right, correct.

Q. I am sorry.

Did this man say that he had been there?

A. No, he didn't. As I gathered from what he said, he hadn't been there. He wanted to find out; I suppose he had heard from some place up in there that there was something down here, and as I re-

(Testimony of Russel Charles Slaybough.)

member it, he didn't know any more about it than I did.

Q. Well, of course, you didn't know anything about it up until that time, did you?

A. That is right. I was quite anxious to find out myself.

Q. Mr. Slaybough, did we fix the time at which you arrived at the Hyman ranch?

A. No, we did not. I imagine that would be more or less difficult. I—the previous week I had made an appointment with Mr. Bell to meet him at Guernsey at 9:00 o'clock as I remember, and it would take some half or three-quarters or even possibly more than three-quarters of an hour to drive to the Hyman ranch.

Q. Did you pick Mr. Bell up at Guernsey and carry him over [1657] to the Hyman ranch?

A. That is right. I picked him up. He locked his car and left it sitting at Guernsey corner and drove over.

Q. When you had returned from Hanford—or the Hyman ranch and had lunch at Hanford and were back at Guesnsey with Mr. Bell was when you met Brice Sherman, is that correct?

A. That is right.

Q. Had you heard anything about any rumors running around town prior to January 30th that such a meeting was going to take place?

A. No, I hadn't. I am afraid my horse deal would have to wait if I had.

(Testimony of Russel Charles Slaybough.)

Q. You would have liked to have helped?

A. I would have liked to have been present.

Mr. Walsh: You may inquire.

Mr. Clark: No question.

Mr. Walsh: That is all.

Trial Examiner Lindsay: You may step down.

(Witness excused.)

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Mr. Mouritsen: Call Elgin Ely.

Mr. Clark: Well, this witness has testified once, Mr. Examiner.

Mr. Mouritsen: This is on the Associated Farmers part [1658] of the case.

Mr. Clark: Well, I understood that before witnesses were recalled some showing of some indication would have to be made with respect to the purpose of recalling them.

Trial Examiner Lindsay: As I understand the situation—off the record, first.

Mr. Clark: I would like to have it on the record.

Trial Examiner Lindsay: I said off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: In the record.

Mr. Clark: I will simply ask, Mr. Examiner, that counsel for the Board state the purpose for recalling this witness at this time and make some showing as to the basis for permission to have him called.

Mr. Mouritsen: Well, Mr. Examiner, at the outset of the Board's case, I outlined the method of

procedure that the Board proposed to follow, namely, that as far as humanly possible we would present the information, the evidence that has been gathered, against the J. G. Boswell Company and then in turn against the Associated Farmers and then against the Corcoran Telephone Exchange, in order that the record might be more easily reviewed by the Board and by any court to which it is taken.

I recall at the time when Martin was on the stand that I stated specifically that he would be called later. I didn't [1659] anticipate that there would be any difficulty with respect to Mr. Ely and Mr. Johnston, whom I propose to recall in regard to the Associated Farmers part of the case, or I should certainly have made some statement at that time.

Mr. Clark: As a matter of fact, you didn't make any such reservation, did you, with respect to this witness?

Mr. Mouritsen: I don't recall making it. I didn't think it was necessary in view of the statement I outlined as to how I proposed to present the case.

Trial Examiner Lindsay: Well, my understanding was that that was the procedure to be followed, and it will be followed.

### ELGIN ELY,

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:



(Testimony of Elgin Ely.)

Direct Examination

Q. (By Mr. Mouritsen) Now, Mr. Ely, you have already been sworn, is that correct?

A. Yes.

Trial Examiner Lindsay: Your first name was what?

The Witness: L. E. [1660]

Q. (By Mr. Mouritsen) Now, directing your attention, Mr. Ely, to the morning of January 30th, 1939, which has been identified as the morning upon which certain pickets were requested to leave the vicinity of the J. G. Boswell plant in Corcoran, I will ask you if you were present at the Boswell plant on that morning? A. I was.

Mr. Clark: May I have the answer?

The Witness: I was.

Q. (By Mr. Mouritsen) Was anyone else—strike that.

At what time did you first go to the Boswell plant on that morning, which is on or about January 30th, 1939?

A. Either at 7:00 or 8:00 o'clock.

Q. And how did you proceed to the plant on that occasion?

A. In my automobile.

Q. Did anyone accompany you?

A. Yes.

Q. What did you do when you first went to the plant on that morning.

(Testimony of Elgin Ely.)

A. Stopped my car and got out and put the picket sign on.

Q. And who was present with you at that time?

A. Steve Griffin.

Q. After you put up the picket sign, what did you do after that time?

A. Got back in the car. [1661]

Q. And about how long—strike that.

Did you remain sitting in the car for some time?

A. Yes.

Q. Approximately how long did you remain there?

A. Until about possibly five or ten minutess past ten o'clock.

Q. At that time did any other people come to the car where you were sitting?

A. Yes.

Q. Will you state what occurred on or about that time when these other people came to the car in which you were sitting?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial, not binding upon any of the respondents in this proceeding, no connection whatsoever show between such other people at this gathering and any of the Respondents, no authority from any Respondents to anyone appearing at this gathering, and also calling for hearsay.

Trial Examiner Lindsay: He may answer.

The Witness: Well, it was about fifteen minutes to 10:00 when there was a car turned around in

(Testimony of Elgin Ely.)

front of my car and parked directly in front of it, another car parked behind it, and by the time I looked around there were cars everywhere up and down the road; and they started to crowd around my car.

Q. (By Mr. Mouritsen) Did you see anyone get out of the car that stopped in front of your car? A. I did. [1662]

Q. Whom did you see get out?

A. Lloyd Liggett.

Q. What did Mr. Lloyd Liggett do at that time?

Mr. Clark: Same objection, Mr. Examiner. May it be stipulated, Mr. Walsh, that my objections may run to this entire line of testimony?

Mr. Walsh: Yes, it may.

Trial Examiner Lindsay: He may answer.

The Witness: He opened the door on the right side of my car.

Q. (By Mr. Mouritsen) Did he say anything to you at that time?

A. He spoke to us and we spoke to him.

Q. Now, other than Mr. Liggett, did any other people gather around the car?

A. Yes.

Q. Approximately how many?

A. Mr. Liggett told us there was between two and three hundred of them.

Q. Did you recognize any of these other people who gathered around your car at that time?

A. I did.

Q. Will you name as many of those people as you can recall?

(Testimony of Elgin Ely.)

A. Mr. Liggett, Mr. Salyer, Slim Jones, Ralph Marshall, Mr. Riley. There were lots of others right near the car. I [1663] know their faces, but didn't know their names.

Q. Now, I believe you stated that Mr. Liggett said something at that time. Is that correct?

A. Yes.

Q. Will you state what Mr. Lloyd Liggett said, and what, if anything, you or Steve Griffin said?

Mr. Clark: Subject to the same objection, Mr. Examiner.

The Witness: He said, "Steve, what have we got here anyway? You should be ashamed of yourself. Look how good Boswell's have been to you and to all of us."

He said, "We have put up with this picketing long enough. You are going to have to leave."

Q. (By Mr. Mouritsen) At that time did Mr. Griffin say anything about violating the law?

A. He did.

Q. Will you state what Mr. Griffin said about violating the law?

A. He said, "Well, if we are violating the law, why don't you get the law down here?"

Q. Did Mr. Liggett say anything at that time?

A. Yes.

Q. What did he say?

A. He said, "No, you are not violating the law. You are law-abiding citizens and we are not going to monkey with the law."

(Testimony of Elgin Ely.)

Q. Was anything said — was anything further said at that [1664] time that you recall?

A. He again insisted upon us getting out of there.

Q. Well, what did he say?

Mr. Clark: I move that go out, "he again insisted."

Trial Examiner Lindsay: Yes.

Mr. Clark: Let us have what was said, if anything, subject to the same objection.

The Witness: He said, "Now, move on out of here and get to going. We don't want you here any longer."

He said, "There is two—over two hundred of us here, and we represent twelve hundred more in this valley."

Q. (By Mr. Mouritsen) Do you recall anything further that was said at that time?

A. Yes.

Q. What else was said?

A. E. C. Salyer said, "Lloyd, move your car."

Mr. Clark: What was that last?

The Witness: He said, "Lloyd, move your car."

Q. (By Mr. Mouritsen) And what next occurred, if anything?

A. He moved his car. Then Mr. Liggett moved his car, and then Mr. E. C. Salyer said, "Now, get the hell out of here and get going. Don't stop in town."

Q. Now, at or about that time did you see any Union members, any other Union members in the crowd?

A. I did.

(Testimony of Elgin Ely.)

Q. Will you state what you saw and observed with reference to [1665] the other Union members at that time?

Mr. Clark: Same objection, of course.

Trial Examiner Lindsay: Same ruling.

The Witness: R. K. Martin, W. R. Johnston and Gene Ely, they drove up as close as they could to my car and someone in the crowd said, "Is that some more of them?"

Q. (By Mr. Mouritsen) Did you recognize who made that statement?

A. No, I couldn't. Martin said, "Yes, this is some more of them."

That is about all I heard from them because the crowd formed around his car the same as it was mine.

Q. Now, what did you do next?

A. Well, the general cry of the crowd was to open that other door up over there and pull them out; what are we waiting for, anyway. [1666]

Q. Did you recognize any of the individuals who said "Open up the door and pull them out"?

A. No.

Mr. Clark: This, of course, is all understood to be subject to my general objection?

Trial Examiner Lindsay: Yes. I think we have agreed on that.

Mr. Clark: All right, just so long as it is understood.

Q. (By Mr. Mouritsen): Did you recognize any of the individuals who said, "What are we waiting for"?



(Testimony of Elgin Ely.)

A. No. There were too many of them talking.

Q. After you heard those statements, what next occurred?

A. There was some party tried to open my door but he didn't succeed, and he said, "It is locked."

Q. Did you recognize the party who did that?

A. I didn't know his name.

Q. Well, had you seen him about in Corcoran before?      A. Yes.

Q. And would you recognize him if you saw him again?      A. I would.

Q. Will you continue and tell us what next occurred after that?

A. Mr. Liggett had backed his car up and Mr. Salyer told us to get the hell out of there and get going.

I said, "My starter won't work. My car will have to [1667] be pushed before it will start."

Someone said, "Get out and push it."

I said, "No, I don't want to leave that bad."

Mr. Salyer said, "We will push your car for you," and they proceeded to do so and pushed it out in the street; wasn't nothing we could do but start it.

Q. Did you start it?      A. I did.

Q. Then what did you do?

A. I went up past the office and turned around and came back through the crowd and stopped again.

Q. Was anything further said at that time?

(Testimony of Elgin Ely.)

A. Yes.

Q. Will you state what was said and by whom it was said?

A. I rolled the window down in my car and spoke to Mr. Ralph Marshall. I said, "Are you satisfied now that we are leaving?"

He said, "Yes. Where are you from, anyway?"

I said, "I am from California."

He then said, "I didn't think we had people like you in California. Why don't you go back to Oklahoma and take one of their places and let him come down. They will work."

Q. Was anything further said at that time?

A. Yes. He said, Mr. Marshall said, "Well, get on out of here. Leave town. Go all the way to Mexico. That is where [1668] you belong."

Mr. Clark: To where?

The Witness: Mexico.

Mr. Clark: Mexico?

The Witness: Mexico.

Mr. Mouritsen: Mr. Examiner, I am constantly hampered in the examination of my witnesses by remarks from Mr. Clark by breaking in and by interrupting. I submit, Mr. Examiner, that he is continually out of order in that regard.

Mr. Clark: Mr. Examiner, I simply cannot hear the witness. If you were sitting down here where I am you would see it is extremely difficult to hear, and I do want to get the answers as they are given.

Trial Examiner Lindsay: Yes.

(Testimony of Elgin Ely.)

Mr. Clark: I don't mean to interrupt or to hamper Mr. Mouritsen in the least.

Trial Examiner Lindsay: Let us try to get along peacefully. Don't interrupt any more than you have to.

Mr. Clark: I certainly won't.

Mr. Mouritsen: Very well.

Q. Now, after Mr. Ralph Marshall made this statement about going to Mexico, what next occurred?

A. Well, the crowd in general started to holler and shout, "Pull them out of there." And "Turn their car over." [1669] "We have waited long enough."

Q. And did you recognize any of the individuals who made those statements? A. No.

Q. After you heard those statements, what next occurred? A. Then I left.

Q. Well, how did you leave?

A. Left the plant.

Q. How did you leave? A. In my car.

Q. And did Mr. Griffin accompany you?

A. He did.

Q. Where did you go after you left the plant?

A. To R. K. Martin's house in Corcoran.

Mr. Mouritsen: You may inquire.

Cross Examination

Q. (By Mr. Clark): Mr. Ely, you, of course, have been sitting here listening to all of the testimony in this proceeding throughout the entire hearing, haven't you? A. No.

(Testimony of Elgin Ely.)

Mr. Mouritsen: That is objected to.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: Well, the answer may stand.

Mr. Clark: Now, what was the answer?

Trial Examiner Lindsay: "No." [1670]

Q. (By Mr. Clark): Well, you heard Mr. Slaybough and Mr. Cutter testify this morning, didn't you? A. Yes.

Q. And did you hear Mr. Martin testify the other day—Mr. Griffin I mean? A. No.

Q. Weren't you here when Mr. Griffin testified?

A. No.

Q. All right.

Now, did you hear your brother, Gene Ely, testify? A. No.

Q. And how about the three gentlemen yesterday, Messrs. Riley, Liggett and Salyer?

A. I heard two of them.

Q. Which two did you hear?

A. Salyer and Riley.

Q. All right.

Now, do I understand that at some time during this procedure down there at Boswell's on the morning of January 30th your brother Gene Ely came close to the car that you were sitting in?

A. That is right.

Q. Do you remember so testifying?

A. Absolutely.

Q. And who was with Gene Ely—that is—what

(Testimony of Elgin Ely.)

are Gene [1671] Ely's initials?            A.    E. C.

Q.    All right.

Now, who was with E. C. Ely on that occasion?

A.    R. K. Martin and W. R. Johnston.

Q.    All right.

And I think you said that Mr. Griffin was with you?            A.    Yes.

Q.    Now, at that time did you see—I am talking about the time when Gene Ely was close to your car—did you see Russel Slaybough in the crowd?            A.    I don't remember.

Q.    Do you know who he is?            A.    I do.

Q.    All right.

What is your best recollection on it?

A.    I seen him here this morning.

Q.    What is your best recollection of whether or not you saw him there at the Boswell plant at the time during the morning of January 30th when your brother, Gene Ely, and these other gentlemen you named came close to your car?

A.    Well, they were about 20 feet was as close as they could get to my car and there were about 100 people between their car and mine so I don't know who all was around their car. [1672]

Q.    All right.

As a matter of fact, you can't identify more people who were there at that gathering that morning than you have given us on your direct examination, can you?

Mr. Mouritsen: May the witness be instructed as to what his direct examination is?

(Testimony of Elgin Ely.)

Trial Examiner Lindsay: Those particular individuals?

Mr. Clark: Oh, I will withdraw the question.

Q. What is your best recollection as to whether or not you saw Mr. Slaybough there at that time?

Mr. Mouritsen: Objected to as already asked and answered.

Trial Examiner Lindsay: Well, he may answer again.

The Witness: I don't remember seeing Mr. Slaybough near my car.

Mr. Clark: I see.

Q. Now, was the starter on your car actually broken?      A. No.

Q. And then, if I understand you correctly, after they pushed you to get the car started, and you did start up, you drove a few blocks away and came back to see what was going on, is that right?

A. Yes.

Q. All right.

You testified that you told someone there that you were a [1673] native son or a Californian?

A. Yes.

Q. That isn't true, is it?      A. No.

Q. What state did you come from?

A. Texas.

Mr. Clark: I see. That is all.

Mr. Mouritsen: Nothing further.

(Witness excused.)



Mr. Clark: May we have a short recess?

Trial Examiner Lindsay: Yes.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Ready.

Mr. Mouritsen: Ready for the Board.

Mr. Martin, will you take the stand, please?

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R. K. MARTIN

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Trial Examiner Lindsay: Has this gentleman been on the stand? [1674]

Mr. Mouritsen: You have been sworn, haven't you?

The Witness: Yes, sir.

Q. (By Mr. Mouritsen): Now, Mr. Martin, I would like to direct your attention to the morning of January 30, 1939, which has been identified as the morning on which certain pickets of the American Federation of Labor were asked to leave the plant of the J. G. Boswell Company here in Corcoran, and I will ask you if on that morning you were at the J. G. Boswell plant at any time?

(Testimony of R. K. Martin.)

A. Yes.

Q. How did you proceed to the Boswell plant on that morning?

A. Well, Mr. Ely came by and told me they was ganging up on the pickets——

Mr. Clark (Interrupting): Just one minute. I didn't expect that question would call for a conversation there.

Mr. Mouritsen: I will establish the conversation.

Q. Did you have on that morning a conversation with Mr. Ely?      A. Yes.

Q. Which Ely?      A. Eugene Ely.

Q. And where did the conversation take place?

A. At my house.

Q. Was anyone else present other than yourself and Mr. Ely? [1675]      A. My wife.

Q. Will you state what Mr. Eugene Ely said to you on that morning and what you said to Mr. Eugene Ely?

Mr. Clark: All right. To which we object, Mr. Examiner, on the ground it is incompetent, irrelevant and immaterial, self-serving and hearsay in that no authority has been shown or any connection shown between any of the persons present at the Boswell plant on this morning of January 30, 1939, and any of the respondents, and I would like a stipulation, Mr. Mouritsen, that that objection may run to all of this witness' testimony—or those objections, rather.

(Testimony of R. K. Martin.)

Mr. Mouritsen: I will so stipulate with the understanding that I will not continually thereafter be interrupted by the same objection.

Mr. Clark: No. In the case of the last witness I used the term "this line of testimony," and so as to make sure as you go into different conversations, I would repeat the same objection, but if I may have the stipulation that those objections which I have just made run to all this witness' testimony, why, you won't hear any more from me.

Mr. Mouritsen: I will so stipulate. [1676]

Trial Examiner Lindsay: And that objection goes to each and every question.

Mr. Clark: Yes, I guess it does. It wouldn't be well taken as to some questions, but I don't care about that.

Mr. Mouritsen: So stipulated.

Trial Examiner Lindsay: And those that it will not be well taken to, of course, puts me in a position of ruling adversely on every question.

Mr. Clark: Suppose I make my objection at the outset of each stage of this witness's testimony, and we will have a stipulation that the objection I have just made will run to this full conversation without my repeating it, and when we get into a new situation or phase, I will repeat it. That is what I have been doing.

Mr. Walsh: Very well. With the understanding that the objection runs to the entire conversation on this occasion with Eugene Ely, I will so stipulate.

(Testimony of R. K. Martin.)

Mr. Clark: That is right. Very well.

Q. (By Mr. Mouritsen) Now, the question was, Mr. Martin, will you state the conversation that took place between you and Eugene Clark Ely on that occasion?

Trial Examiner Lindsay: He may answer.

Mr. Clark: Same objection.

The Witness: He came running in the house and said they was ganging up on the pickets, "You had better go down and [1677] see about it."

He said, "They are liable to kill them."

Q. (By Mr. Mouritsen) Did you say anything at that time?

A. I said, "O. K.," and started down.

Q. And did you proceed to the plant at that time? A. Yes, sir.

Q. And how did you proceed?

A. I got in the car and run down there right quick.

Q. Was anyone else—strike that.

Who, if anyone else, was in the car?

A. Johnston, W. R. Johnston.

Q. And Mr. Ely? A. Yes.

Q. Now, will you state what you observed when you approached the plant of the J. G. Boswell Company? A. (Pause.)

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: There was a bunch of about two

(Testimony of R. K. Martin.)

or three hundred men bunched up around the picket car.

Q. (By Mr. Mouritsen) And what—strike that.

Did you see a number of cars in that vicinity, also? A. Yes, sir.

Q. And approximately how many? [1678]

A. Well, I would say about fifty.

Q. And where were these cars placed?

A. In at the back of the scales office, on the right hand side of the road.

Q. And were there any of the cars on the left hand side of the road there? A. Yes, sir.

Q. What did you do after you observed this crowd of approximately, I believe you said, two hundred? What did you do after you saw them at the plant?

A. I drove up in the car as close as I could get to the picket car.

Q. Where was this crowd with reference to the picket car?

A. All around it upon all sides.

Q. Now, when you drove up to the crowd and as near to the picket car as you could, did you recognize any of the persons who were present in that crowd?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial, not binding on any of these Respondents.

Trial Examiner Lindsay: He may answer.

(Testimony of R. K. Martin.)

The Witness: Yes, sir.

Q. (By Mr. Mouritsen) Will you give us the names of as many people as you recognized?

Mr. Clark: May it be stipulated, Mr. Mouritsen, that my [1679] objection runs to this entire line of testimony?

Mr. Mouritsen: So stipulated.

Trial Examiner Lindsay: He may answer.

The Witness: Forrest Riley, Mr. Lloyd Liggett, Mr. Russel Slaybough, Brice Sherman, Walter Grisham, Mr. J. W. Hubbard, Mr. J. T. Archer, Mr. George Cutter, Mr. Willis.

Q. (By Mr. Mouritsen) Do you know his first name or initials? A. No, I don't.

Q. Continue.

A. Mr. Bill Turner and Mr. Clark——

Mr. Clark: Not me?

The Witness: No, sir.

Q. (By Mr. Mouritsen) Do you know his name or initials?

A. No, I don't. He works at the Cousin tractor place in town here.

Mr. Ronald Squire. That is all I can remember, I believe.

Q. Now, have you give us all of the names that you can recall? A. Yes, sir.

Q. I believe you stated that you saw or recognized Brice Sherman; is that correct?

A. Yes.

Q. Mr. Martin, did you make any memoran-



(Testimony of R. K. Martin.)

dum of the names of the men present on that occasion? [1680]

A. I did at one time, yes, sir.

Q. When did you make that memorandum?

A. That same day.

Q. Do you have that memorandum with you?

A. No, sir, I haven't.

Q. Do you know where it is?

A. I think it is at home.

Q. About how long would it take you to get that memorandum?

A. Oh, five or ten minutes.

Q. Do you recall at this time where that memorandum is?

A. No, sir, it is in one of my note books, if it has not been lost.

Mr. Mouritsen: Mr. Examiner, at this time could we take a short recess to enable the witness to obtain that memorandum or at least to make a search for it?

Mr. Clark: Why can't that be done on Monday morning?

Mr. Walsh: All right.

Mr. Clark: It will only take five minutes and he will have plenty of time to look for it.

Trial Examiner Lindsay: You won't object to recalling him Monday morning?

Mr. Clark: No, absolutely not.

Mr. Mouritsen: Very well.

Q. Will you state, Mr. Martin, what occurred,

(Testimony of R. K. Martin.)

if anything, at the time when you drove up into the crowd and stopped? [1681]

A. There was a bunch of about ten or fifteen men swarmed around my car, and Mr. Lloyd Liggett came around on my side and opened the door.

Mr. Clark: Just a minute. I object to all that as not responsive to the question, but I don't care whether it stays in, Mr. Examiner, if it can be deemed I have objected to it on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: All right. Then it may stay in.

Q. (By Mr. Mouritsen) Now, when you state he came around on your side of the car, can you tell us more definitely what side of the car you were on? A. On the left side.

Q. You were—were you driving the car?

A. Yes, sir.

Q. Now, will you continue with the description of what occurred at that time?

A. He just opened the door and I spoke to him and he kind of grinned.

Mr. Clark: I will object to this on the ground that it is incompetent, irrelevant and immaterial, not binding on any of the Respondents to this proceeding, no authority having been shown from any of the Respondents to any of the persons present at this gathering on the morning of January 30th, 1939, to act for them.

And I will ask you whether that objection can

(Testimony of R. K. Martin.)

be stipulated [1682] to run to this entire incident?

Mr. Mouritsen: With the understanding that I am not continually interrupted by further objections.

Mr. Clark: I won't if I get the stipulation.

Mr. Mouritsen: I will stipulate with that understanding.

Trial Examiner Lindsay: You may proceed, and you may answer.

The Witness: He jerked the car open and kind of grinned, and I spoke to him.

Q. (By Mr. Mouritsen) What did you say to him? A. What did I say?

Q. Yes. A. I said, "Hello, Liggett."

A. Did he say anything?

A. He said, "We are not going to have any more of this picketing around here."

Q. Yes.

A. He kind of stepped back. Then Mr. Slaybough, he jerked the door open on the other side, reached out, and opened it and jumped back.

Q. What is Mr. Slaybough's first name?

A. Russel.

Q. Who was sitting on the side of the car on which the door was that he opened?

A. Ely, E. C. Ely. [1683]

Q. Did Mr. Slaybough say anything at that time? A. No, sir.

Q. Now, will you continue——

Do you know Mr. Russel Slaybough?

(Testimony of R. K. Martin.)

A. Yes, sir.

Q. How long have you known him?

A. Five or six years.

Q. Now, will you continue with a description of what further occurred at that time, after Mr. Russel Slaybough opened the door and jumped back?

A. Mr. Brice Sherman, he stuck his head in on the other side of the car where Johnston was seated, and said, "Isn't this a pretty looking thing? It looks like a God damned Christmas tree." And he reached towards the button on the coat.

Q. And what kind of buttons were those?

A. Union buttons. And Mr. Riley says, "Is this some of them?"

And Mr. Sherman said, "I think so."

And Mr. Riley spoke up and he said, "Boys, we are not going to have this God damned A. F. of L. in Corcoran."

Mr. Clark: Who said that?

The Witness: Riley.

Q. (By Mr. Mouritsen) Do you know his first name or initials? A. Forrest.

Q. Now, continue. What next was said and done?

A. Somebody spoke up and says, "You are going to have to get [1684] out of town."

Q. Did you recognize who said that?

A. I think Mr. Salyer was the fellow that said that.

(Testimony of R. K. Martin.)

Q. Yes.

A. And I said, "Who is doing this, anyway?" And Mr. Liggett said, "The Associated Farmers." And about that time Mr. Riley and Mr. Liggett and Mr. Salyer and a fellow by the name of Wilbur said, "We, the Associated Farmers."

They said, "There are 200 of us here."

One fellow said, "Two hundred, and we represent a thousand more."

And somebody spoke up, "There are three hundred here and we represent twelve hundred more."

Mr. Clark: Now, that objection I made is deemed to have gone to this entire incident?

Mr. Walsh: So stipulated.

Mr. Clark: Yes, Mr. Walsh.

Q. (By Mr. Mouritsen) I believe you stated that a Mr. Sayler was one of those who made such a statement; is that correct? A. Yes.

Q. Do you know his name or initials?

A. E. C.

Q. And I believe you stated that a Mr. Wilbur made such a statement; is that correct? [1685]

A. Yes, sir.

Q. Now, after those men made the statement regarding the Associated Farmers, what next occurred?

Mr. Clark: The same objection, your Honor.

Mr. Mouritsen: Yes.

Trial Examiner Lindsay: Same ruling.

The Witness: I said, "O. K. boys, let's go to town."

(Testimony of R. K. Martin.)

Q. (By Mr. Mouritsen) To whom did you say that? Merely to the boys in your car?

A. No, sir; to the ones in the picket car.

Q. And did you see the other boys in the picket car? A. Yes, sir.

Q. Who were in the picket car at that time?

A. Elgin Ely and Steve Griffin. [1686]

Q. Did you observe at that time what the boys in the picket car did?

A. No, sir; I drove on myself.

Mr. Clark: May I have that answer?

Trial Examiner Lindsay: He drove on himself. Is that right?

The Witness: Yes.

Trial Examiner Lindsay: Was that your answer?

The Witness: Yes.

Q. (By Mr. Mouritsen) In other words, after you said, "Let's go," you then left the plant, is that correct? A. Yes.

Q. Where did you go after you left the plant?

A. I went to my home.

Q. I believe you stated that Slim Jones was one of those present. Am I correct in that statement?

A. He was present; yes, sir.

Q. Do you know his name or initials other than Slim? A. No, I don't.

Q. Do you know where he works?

A. He works for Mr. Salyer.

Q. Which Salyer? A. E. C. Salyer.

Q. Now, directing your attention back to the



(Testimony of R. K. Martin.)

time when you were in that crowd on that morning, did you or did you [1687] not observe a number of other men who worked for E. C. Salyer?

A. Yes, sir.

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial, not binding on any of the respondents to this proceeding, no authority having been shown from any of them from Mr. E. C. Salyer to appear himself or have any of his men appear at the Boswell plant on this occasion.

Trial Examiner Lindsay: He may answer.

The Witness: His brother, Mr. Gerald Salyer, and his son, Everett, I believe, is his name, Everett Salyer.

Q. (By Mr. Mouritsen) Do you recall any others at present who worked for E. C. Salyer—I will stipulate the same objection applies.

Mr. Clark: Very well.

Trial Examiner Lindsay: You may answer.

The Witness: No, I can't at this time.

Mr. Mouritsen: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Martin, I believe you said you saw a Mr. Robert Wilbur present in the crowd that morning at the Boswell plant?

A. Yes, sir.

Q. How long have you known Mr. Wilbur? [1688]

(Testimony of R. K. Martin.)

A. Oh, two or three years, I guess, a couple of years.

Q. And have you had any dealings with him yourself or has he just been pointed out to you as being Mr. Wilbur?

A. I haven't had any dealings with him. He worked around the Boswell plant some, I think.

Q. And when? When you were there?

A. I think so.

Q. Have you any positive recollection on that?

A. No, sir, I haven't.

Q. You have not.           A. No, sir.

Q. Now, was Mr. Wilbur active in doing whatever was being done down there that morning to you fellows?

A. He was almost as active as the rest of them.

Q. Would you say he was one of the leaders of the group that was down there that morning?

A. I would.

Q. You would?           A. Yes, sir.

Q. Now, you also said that Mr. Russel Slaybough was present that morning at the Boswell plant and that he came to the side of your car with Mr. Liggett and made certain remarks, is that true?

A. No. No.

Trial Examiner Lindsay: He didn't say that Slaybough [1689] made any remarks.

Mr. Clark: I think he did, Mr. Examiner.

Trial Examiner Lindsay: The record will show.

Mr. Clark: Very well. I understood that.

(Testimony of R. K. Martin.)

Q. Did you say then—strike that.

Did you tell us on your direct examination that you saw Mr. Russel Slaybough present?

A. I did.

Q. How long have you known Mr. Slaybough?

A. Between five and six years.

Q. And have you had any occasion to identify him or has he just been pointed out to you by someone?

Mr. Mouritsen: I object to that as vague and confusing, has he had any occasion to identify him.

Mr. Clark: I withdraw that.

Q. How did you come to know who Mr. Russel Slaybough is?      A. He farmed for Boswell.

Q. He what?

A. He has farmed for the Boswell Company, and ginned cotton, and I had tied up his cotton.

Q. What do you mean, “tied up his cotton”?

Trial Examiner Lindsay: Let him answer.

The Witness: I tied out his cotton and issued bales, and every once in a while for the last five or six years.

Q. (By Mr. Clark) So you are absolutely sure that you [1690] know who Russel Slaybough is, aren't you?      A. Yes, sir.

Q. And are you positive, Mr. Martin, that you saw Russel Slaybough there in the crowd at the Boswell plant on the morning of January 30th of this year?      A. Yes, sir. [1691]

Q. Are you just as positive of that as you are of any of the other facts you have testified to here?

(Testimony of R. K. Martin.)

A. Yes, sir.

Q. Now, did you say that Mr. Brice Sherman was also in the crowd that morning?

A. He was.

Q. And do I understand that Mr. Brice Sherman came up to the side of your car and opened the car, did something to that effect?

A. No. He stuck his head in the back window.

Q. All right.

Now, are you sure you know who Brice Sherman is?      A. Yes, sir.

Q. And for how long have you known him?

A. I would say two or three years.

Q. Are you positive, Mr. Martin, that you saw Mr. Brice Sherman in the crowd that morning?

A. Yes, sir.

Q. And that he came up to the side of your car and stuck his head in it?      A. He did.

Q. You are absolutely sure you recognized him?

A. Yes, sir.

Q. You of course realize that you are under oath in this proceeding? [1692]      A. I do.

Q. And you understand the nature of an oath, don't you?      A. Yes.

Q. Now, will you please tell us whether you are just as sure and just as positive that Mr. Brice Sherman was at the Boswell plant on this morning of January 30th, 1939, as you are of all the other facts you have testified to?      A. Yes, sir.

Q. Do I understand that right after this oc-

(Testimony of R. K. Martin.)

currence you made a memorandum of the persons you saw there?      A. Yes, sir.

Q. And how long afterwards, please?

A. The same morning.

Q. How long afterwards, please?

A. About thirty minutes after.

Q. Did you collaborate with anybody else in remembering the names of people you saw there?

A. No, sir.

Mr. Mouritsen: Objected to.

Q. (By Mr. Clark) In other words, you sat down by yourself and made this memorandum, is that right?      A. I did.

Q. And you think you still have that memorandum?      A. I think so.

Q. Can you tell us now whether the name of either Brice Sher- [1693] man or Russel Slaybough appears on that memorandum?      A. They do.

Mr. Clark: Very well. That is all.

Mr. Mouritsen: Nothing further, Mr. Examiner.

Mr. Clark: I might ask one other question, Mr. Examiner, with your permission.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark) In other words, Mr. Martin, you are not any surer of the identify of any of the persons you have testified to as having been at the Boswell plant on this occasion than you are that either Slaybough or Sherman were there?

Mr. Mouritsen: Objected to as already asked and answered in another form.

(Testimony of R. K. Martin.)

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well. That is all.

(Witness excused.)

Mr. Walsh: If the Examiner please, this is all the witnesses we have to offer this morning.

Trial Examiner Lindsay: In that event, we will adjourn until 10:00 o'clock Monday morning.

Mr. Clark: Very well, your Honor.

(Whereupon, at 9:45 o'clock A. M., June 3, 1939, the hearing was adjourned to 10:00 o'clock A. M., Monday, June 5, 1939.) [1694]

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## AMERICAN LEGION HALL

Corcoran, California

Monday, June 5, 1939.

10 O'clock A. M. [1695]

## PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: The Respondents are ready, Mr. Examiner.

Mr. Walsh: The Board is ready.

Mr. Mouritsen: Mr. Johnston, will you take the stand?



W. R. JOHNSTON

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further examined and testified as follows:

Trial Examiner Lindsay: Is that spelled with a "t?"

The Witness: Yes, sir.

Mr. Clark: I take it, Mr. Examiner, that this witness is called as part of the Board's case against the Respondent, Associated Farmers of Kings County. Is that correct?

Mr. Mouritsen: That is correct.

Mr. Clark: May the record show my general objection upon the ground that the Board has no jurisdiction whatsoever with respect to that Respondent, and that there is no showing in this record that Respondent, Associated Farmers of Kings County, is an employer within the meaning of the National Labor Relations Act?

Now, also, if I may have the general objection that I had the other day, Mr. Walsh—(Pause).

Mr. Walsh: It will be stipulated that the general objection of counsel may run to the entire testimony of the wit- [1697] ness.

Mr. Clark: I am now thinking of the further objection that the witness's testimony is incompetent, irrelevant and immaterial. I better make that when we come to the first question. I will ask you for the same stipulation we had the other day.

Mr. Walsh: All right.

(Testimony of W. R. Johnston.)

Direct Examination

Q. (By Mr. Mouritsen) Now, Mr. Johnston, were you present at the Boswell plant on or about January 30th, 1939, which has previously been identified as the day upon which certain pickets of the American Federation of Labor were requested to leave the plant, or the vicinity of the plant of the J. G. Boswell Company? A. Yes, sir.

Q. How did you proceed to the vicinity of the plant on that morning in question?

A. (Pause.)

Q. Do you understand that?

A. How we went down, or how I knew it?

Q. How did you go to the plant, if you went to the plant on that morning?

A. With R. K. Martin.

Q. And anyone else? A. E. C. Ely. [1698]

Q. Did you drive down there? A. Yes, sir.

Q. And on that morning do you recall whose car you went to the plant in?

A. Yes, sir; R. K. Martin's.

Q. And who drove the car? A. Martin.

Q. And where were you seated in the car?

A. In the back.

Q. Where was Mr. Eugene Clark Ely sitting?

A. He was in the front with Martin.

Q. Now, will you tell us what you observed as you approached the plant on that morning in question?

Mr. Clark: Objected to upon the ground it is

(Testimony of W. R. Johnston.)

incompetent, irrelevant and immaterial, and is hearsay and not binding upon any of the Respondents in this proceeding; upon the further ground that there has been no authority whatsoever shown from any of the Respondents to any of the persons alleged to have been at the Boswell plant on the morning of January 30th, 1939, to speak for or bind the Respondents by their acts or conduct.

Now, I will ask for a stipulation, Mr. Walsh, that—Mr. Mouritsen, rather—that that objection may run to this witness's entire testimony.

Mr. Mouritsen: So stipulated.

Trial Examiner Lindsay: He may answer. [1699]

The Witness: Well, I noticed a large group of cars and men when we drove up. We couldn't get—we tried to drive up where the picket car was, but we couldn't get off of the road, even. The road was—there was too many people there to get through. [1700]

Q. (By Mr. Mouritsen) And I take it you did drive up into the crowd, is that correct?

A. Yes, sir.

Q. Now, will you state what you observed and what you heard after that time, giving the identify of any persons whom you recognized?

A. Well, Lloyd Liggett came up on Martin's side and opened the door. And he said that they didn't—we would have to get out, that they didn't aim to have this A. F. of L. in Corcoran.

Then they were all ganged around the car.

(Testimony of W. R. Johnston.)

Q. Did Mr. Martin say anything at that time?

A. I don't remember whether he did or not.

Q. Now, continue. Tell us what happened after that time.

A. Well, when they came up and told us—kept on talking about it, how we would have to get out and we would have to leave the San Joaquin Valley. And Martin wanted to know who was doing it.

Q. Did anyone reply to that? Did anyone say anything when he asked him that? A. Yes.

Q. Do you recall who said anything at that time?

A. E. C. Salyers and I believe Forrest Riley and Lloyd Liggett.

Q. What did they say?

A. They were the first three that spoke up and they said, [1701] “We, the Associated Farmers of Kings County.”

Q. Was anything further said about the Associated Farmers at that time?

A. They said there was about 300 there and they represented a thousand more.

Q. Now, do you recall anything further that was said or done after that time?

A. Well, we drove away and they hollered, “Let's throw them out,” or “What are we waiting on?” And, “Get rid of them.”

Q. Do you recall any of the individuals who made any such statement?

(Testimony of W. R. Johnston.)

A. E. C. Salyer was one and Lloyd Liggett was another one.

Q. Then after you heard those statements what did you do next?

A. We drove up to the—past the gin office and turned around and came back and stopped. And Martin told Steve Griffin and Elgin Ely that were on the picket line, “Let’s go to town.”

And they—E. C. Salyer spoke up and said, “Don’t stop in town. Get plumb out of the San Joaquin Valley. We don’t want you here.”

Q. Now, while you were present in that crowd in the car, did anyone open any of the doors of the car in which you were seated?

A. Yes. [1702]

Q. Who did that?

A. Russel Slaybough opened the one on E. C. Ely’s side. He was in the front with Martin. He opened that door.

Q. How do you know that that was Russel Slaybough?

A. It had only been about five days before that that he stopped while we were on the picket line and gave us a kind of a rough talk.

Mr. Clark: Just a moment. I move it go out, “he gave us a kind of a rough talk.” Let us have what he said, if this is going to go in in the face of the objection made.

Trial Examiner Lindsay: Yes. That may be stricken.

(Testimony of W. R. Johnston.)

Tell us what he said.

Mr. Clark: Subject to the general objection?

Trial Examiner Lindsay: That is understood.

The Witness: When he first came by, he was going to the office and he slowed down and he was saying something, and we had our windows rolled up and his was, too, and we couldn't understand what he said.

He stayed in the office about ten minutes, and he came back and stopped, and he said, "Isn't this a pretty looking thing? Is it going to get you anywhere?"

And we said we didn't know whether it would or not.

And he said he would hate to know that he was taking orders from a Russian son of a so and so on the wharf up there. [1703]

Q. (By Mr. Mouritsen) Do you recall anything else that was said on this prior occasion?

A. No, I don't.

Q. How long had you known Russel Slaybough prior to the time—well, prior to the present time?

A. I guess about a year.

Q. Now, Mr. Johnston, directing your attention again to this gathering on the morning when the pickets were requested to leave, will you give us the names of as many individuals as you recognized that time who were present in the crowd?

A. Lloyd Liggett, Forrest Riley, E. C. Salyer, Bill Wilbur, and Slim Jones and Garland Salyer.



(Testimony of W. R. Johnston.)

That is about as many as I can remember, I guess.

Q. I will ask you, do you know Brice Sherman?

A. I know him when I see him, is all.

Q. Do you recall whether or not on that morning you saw him present?

A. Well, I think I saw someone and it was described that that was him, and I was told——

Mr. Clark (Interrupting): I ask that that go out. The question is, did you see Brice Sherman.

Trial Examiner Lindsay: Yes, it may go out. Read the question.

(The question referred to was read by the reporter, as set forth above.) [1704]

Trial Examiner Lindsay: Answer that yes or no.

The Witness: Well, I couldn't say for positive. I don't know the man, just when I see him is all.

Mr. Mouritsen: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Johnston, of course you have discussed your testimony that you have just given in this case with the other Union members, haven't you? A. Not that I know of.

Q. You mean to say that you haven't talked over the matters you have just testified to with any of the other members of the Union prior to your getting on the stand this morning? A. No, sir.

Q. Are you sure of that?

A. I am sure of that.

Q. Is it your testimony that you haven't talked these matters over with Mr. Martin, for instance?

(Testimony of W. R. Johnston.)

A. No, sir.

Mr. Mouritsen: I object to that upon the ground that the question is misleading, and confusing, and it isn't a fair question, whether he has talked his testimony over. That is different than if he has talked the matter over or discussed the matters themselves.

Mr. Clark: The question calls for whether or not he discussed the matters to which he testified this morning with [1705] Mr. Martin.

Trial Examiner Lindsay: That is a new question. He may answer that.

Mr. Clark: Very well. I will put that question.

Q. Will you please tell us, Mr. Johnston, whether you have discussed the matters to which you have testified this morning on the witness stand, with Mr. Martin prior to coming here this morning? A. No, sir. [1706]

Q. (By Mr. Clark) You are positive of that?

A. Positive.

Mr. Mouritsen: I object to the form of the question; "Prior to coming here this morning" is very misleading, I submit.

Mr. Walsh: I object on the further ground that the question is indefinite until the time when any conversation between this witness and Mr. Martin is identified.

Mr. Clark: The witness said he didn't discuss it at all.

Trial Examiner Lindsay: I have sustained the objection.

(Testimony of W. R. Johnston.)

Mr. Clark: Very well.

Trial Examiner Lindsay: I sustained the objection.

Q. (By Mr. Clark) Have you ever talked over with Mr. Martin your statement that Mr. Russell Slaybough was present at the Boswell plant on the morning of January 30th? A. No, sir.

Q. Have you ever talked over with Mr. Martin any of the other matters to which you have testified here this morning?

Mr. Walsh: I object unless counsel directs the witness' attention to the specific things concerning which he has testified.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) Have you ever discussed the testimony which you have given here this morning, or the matters to which you have testified, with Mr. Griffin? [1707] A. No, sir.

Mr. Walsh: I move that the answer be stricken for the purpose of making an objection. I object unless the exact things concerning which the witness has testified are directed to his attention, in an attempt to impeach the witness.

Mr. Clark: There is no objection like that known to the law, Mr. Examiner, with respect to questions of this character, and I will submit it.

Trial Examiner Lindsay: You make your questions specific.

Q. (By Mr. Clark) I will ask you whether or not you have ever discussed this case with anyone whomsoever, Mr. Johnston?

(Testimony of W. R. Johnston.)

A. Not that I know of.

Q. You are positive of that, are you?

A. Yes, sir.

Q. By the way, are one of the Ely boys—or, rather, is one of the Ely boys commonly called “Fat” Ely?

A. Call him “Fat Boy.”

Q. “Fat Boy” Ely?

A. Yes, sir.

Q. Sometimes you call him “Fat” Ely?

A. I never did.

Q. Well, have you heard him called “Fat” Ely?

A. I never did.

Q. He is called “Fat Boy” Ely, is that right?

A. Someone named him “Fat Boy” just here lately. I don’t [1708] know who done it.

Q. I see.

And which one is that?

A. That is E. C. Ely.

Q. That is Eugene Clark Ely, is that right?

A. That is right.

Q. You weren’t here last Saturday morning when Mr. Slaybough testified, were you?

A. No, sir.

Q. Now, Mr. Johnston, how long had you known Mr. Slaybough prior to January 30, 1939?

A. About a year; something like that.

Q. How did you come to know him?

A. Why, he was down to the gin a lot.

Q. Well, did you ever have any transactions with him of any kind?

A. No, sir.

Q. Had you ever had any conversation with him at all?

(Testimony of W. R. Johnston.)

A. Oh, I don't know. I talked to everyone, nearly, that come in there.

Q. What were you doing at the plant during the time you worked there prior to November of 1937? A. Just first one thing and——

Mr. Mouritsen (Interrupting): Does counsel mean November of 1937? [1709]

Mr. Clark: '38, I mean.

The Witness: Just first one thing and then another.

Q. (By Mr. Clark) Just odd jobs, isn't that right? A. No, it wasn't odd jobs.

Q. Well, what——

A. (Interrupting): Whatever they needed me on.

Trial Examiner Lindsay: I think that has already been covered.

Mr. Clark: I think that appears in the prior examination of the witness.

Q. During the time that you worked at Boswell's, did you have any occasion to deal with Mr. Slaybough? A. No, sir. [1710]

Q. Do you remember ever talking to Mr. Slaybough on any occasion prior to these you have testified to here this morning?

A. I don't believe I do.

Q. How did you come to know Mr. Slaybough prior to the time you testified to here this morning?

A. Well, I have seen him a plenty of times.

Q. In other words, someone else pointed him out to you? A. I know who——

(Testimony of W. R. Johnston.)

Mr. Clark (Interrupting): Just a moment, please. I move that that go out, your Honor. May I have the answer read?

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I ask that go out. I will re-frame the question and ask that the answer go out.

Trial Examiner Lindsay: Then you are withdrawing the question?

Mr. Clark: That is right.

Trial Examiner Lindsay: Then, therefore, the answer is also out.

Mr. Clark: Very well.

Q. Now, did someone point Mr. Slaybough out to you? A. Not that I know of.

Q. Well, the thing I am after, Mr. Johnston, is how you came to know who he was? [1711]

A. My Goodness, if you be around a fellow all the time, like in court in here, and see him enough, and hear other people talking to him, and call him "Slaybough," you are bound to know who he was, wouldn't you?

Q. Is it your testimony that he was around the Boswell plant all the time?

A. Not all the time. I have seen him down there.

Q. A great many times? A. Quite a few.

Q. Well, how often would you say prior to the time you testified to?

A. I don't know how many times. I never kept track on it.



(Testimony of W. R. Johnston.)

Q. Will you describe Mr. Slaybough for us?

A. He is kind of slender, wears glasses and a big hat.

Q. What color is his hair?

A. I don't know what color his hair is.

Q. How tall would you say he is?

A. I don't know. I would say he was around 5:10 or 11, maybe.

Q. How much would you say he weighed?

A. I don't know how much he weighs.

Q. Do you remember how he was dressed on the morning of January 30th when you say you saw him?

A. Nothing otherwise than his glasses and his big hat.

Q. Do you remember anything about him except that? [1712]

A. That is all.

Q. That is all you can give us, so far as the manner in which he was dressed?

A. I believe it is.

Q. Now, did you actually see Mr. Slaybough there on that morning, Mr. Johnston, or did someone tell you that Slaybough was there?

A. How many times do I have to answer one question?

Trial Examiner Lindsay: Answer the question.

The Witness: Sure, I seen him.

Mr. Clark: What is that, again, please? May I have it read back?

Trial Examiner Lindsay: Well, he didn't answer the question.

(Testimony of W. R. Johnston.)

Mr. Clark: I would like the answer read back.

Trial Examiner Lindsay: All right. Read the answer, please.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: That was not the answer, Mr. Examiner. There was another word in there which I would like in the record.

Trial Examiner Lindsay: Was there another word in there?

The Witness: Not that I remember.

Q. (By Mr. Clark) Didn't you use the word "Christ?" [1713] A. I don't know.

Q. Didn't you say, "Christ, how many times do I have to answer the question?"

That was the testimony. I would like it in there.

Trial Examiner Lindsay: If it is, it will go in there, but, Mr. Clark, let us proceed with the examination.

Mr. Clark: I am wondering about what happened to go down in the record.

Trial Examiner Lindsay: There isn't anything unusual about that. I believe other witnesses up here have also sworn, if he did swear.

Mr. Clark: And that profanity is in the record, so I would like this also in.

Mr. Walsh: If the witness did use the word, I move that it be stricken on the ground——

Mr. Clark (Interrupting): You know perfectly well that he did.

(Testimony of W. R. Johnston.)

Mr. Walsh: No, I don't, as a matter of fact. If he did, I would just as soon it be in there.

Trial Examiner Lindsay: If he used it, it may be in there. In fact, I didn't hear it.

Q. (By Mr. Clark) Are you just as positive, Mr. Johnston, of the fact—withdraw that.

Are you just as positive that Russel Slaybough was at the Boswell plant on the morning of January 30th, 1939, during [1714] this incident you have described, as you are of every other fact you have testified to in this case? A. Yes, sir.

Q. There is just no doubt about it in your mind, is there? A. There is no doubt.

Q. And you have not discussed your testimony in the case with any other person prior to taking this witness stand? A. No.

Q. Let me ask you whether there were some other people there, if you remember?

Trial Examiner Lindsay: Let us go back and read the record. I believe there is one question that has not been answered which was forgotten through these arguments.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Clark) Now, Mr. Johnston, did you see Mr. Bob Wilbur at the plant that morning?

A. Yes, sir.

Q. Was he quite active in helping or aiding whatever was happening down there?

A. He seemed to be active enough.

(Testimony of W. R. Johnston.)

Q. Would you say he was one of the leaders?

A. I don't know. I imagine he would be. He was doing a lot of talking.

Q. I see. [1715]

He was doing more talking than anyone else?

A. No, I wouldn't say that.

Q. As much as anyone else?

A. Doing as much.

Q. All right.

Now, how about Mr. Filcher? Did you see him there? A. Yes, sir.

Q. And was Mr. Filcher quite active in doing whatever these men were doing?

A. I didn't hear Mr. Filcher say anything.

Q. You are positive of that?

A. I am not positive, but I don't recall anything that was said—there were so many people talking at one time, that you don't remember whether he said anything or not.

Q. I see.

Was Mr. Filcher right up close to your car?

A. He wasn't right against the car, but I would say he was approximately ten feet away.

Q. Was he one of the group that surrounded your car? A. Yes, sir.

Q. You would say he was active in helping—

A. (Interrupting): Oh, yes.

Q. (Continuing) —that crowd do whatever they were doing down there; is that right?

A. That is right. [1716]

(Testimony of W. R. Johnston.)

Mr. Clark: Pardon me just a minute, Mr. Examiner.

Trial Examiner Lindsay: All right. [1717]

Q. (By Mr. Clark) Now, how about Bill Wilbur. Did you see him there? A. Yes, sir.

Q. Was he quite active?

A. I never heard him say anything, but he was standing close to the car.

Q. Was he in that crowd that was surrounding the car? A. Yes, sir.

Q. How long have you known Robert Wilbur and Mr. Bill Wilbur?

A. I don't know whether both are the same one; call him "Bill" is all I know.

Q. Well, don't you know that there is a man named Robert Wilbur in this community and also one named Bill Wilbur?

A. The one I am speaking of, I guess his name was supposed to be Robert, but they call him "Bill."

Q. You only know one Mr. Wilbur then, is that right? A. That is right.

Q. For how long have you known him?

A. I don't know just how long; since '36 I guess.

Q. And under what circumstances did you meet him? A. Through Salyer.

Q. What? A. Through E. C. Salyer.

Q. Through E. C. Salyer? Did Mr. Salyer introduce you to Mr. Wilbur? [1718] A. No, sir.

Q. How did you come to know Mr. Wilbur?

(Testimony of W. R. Johnston.)

A. I used to work for Mr. Salyer.

Q. And you saw Mr. Wilbur around Mr. Salyer's place?      A. Yes, sir.

Q. Will you please describe this Mr. Wilbur for me?

A. Heavyset, I guess—I don't know. I imagine he is as tall as I am. He had—he is a lot heavier.

Q. How tall is that?      A. Around six foot.

Q. How heavy would you say?

A. I imagine he weighs 200 or better.

Q. And what color is his hair?

A. I don't know what color. I never paid any attention.

Q. Is he light complexioned or dark complexioned?

Mr. Mouritsen: Objected to as vague and indefinite.

Mr. Clark: I will submit it.

Trial Examiner Lindsay: He may answer.

The Witness: I would call him dark complexioned. He is not dark and light, either one.

Q. (By Mr. Clark) Dark hair?

A. I imagine.

Q. Does he wear glasses?

A. I have never seen him with any pair on.

Q. How was he dressed this morning at the plant? [1719]

Mr. Mouritsen: What was that question?

Q. (By Mr. Clark) How was he dressed on that morning at the plant? That is, on January 30th?



(Testimony of W. R. Johnston.)

A. I couldn't say how he was dressed. I didn't pay any attention to his clothes.

Q. Can you give us any description at all?

A. No.

Q. Of the manner in which he was dressed?

A. He was dressed as he usually is, I imagine.

Q. How is that?

A. With a pair Levi's and a shirt on and a hat.

Q. What kind of a hat? A. I don't know.

Q. Did you actually see him there?

A. Yes.

Q. Or did someone tell you he was there, later?

Mr. Mouritsen: Objected to as already asked and answered.

Trial Examiner Lindsay: Sustained.

Q. (By Mr. Clark) Now, did you see a man named Roland Bailey there that morning?

A. I don't know him.

Q. Did you see a man named Ralph Gilkey there that morning?

A. I don't know Ralph Gilkey.

Q. Did you see a man named Joe Mackey there that morning? A. Yes, sir. [1720]

Q. Are you sure of that?

A. I am almost sure.

Q. What did you mean by that?

A. I am just as sure as the rest of them.

Q. Are you just as sure that Joe Mackey was there as you are that the others were there?

A. Yes.

(Testimony of W. R. Johnston.)

Q. How long have you known Mr. Mackey?

A. Approximately six or eight months, I do not know.

Q. Under what circumstances did you meet him?

A. I just heard him talking to a fellow one day where a bunch of us were standing and talking and he was talking to someone else.

Q. Did someone else point him out?

A. He had been pointed out a long time before. I knew it was him. Someone told me it was Joe Mackey. He was over there talking to someone else.

Q. You have never spoken to him yourself, have you?

A. No, sir.

Q. Are you not on such terms that you say "Hello, Mr. Mackey" to him?

A. No, sir.

Q. Someone just pointed him out to you, is that right?

A. Yes.

Q. But you were quite sure he was there that morning of [1721] January 30th?

A. Yes, sir.

Q. Now, how about Brice Sherman? Did you see him there?

A. I don't remember whether I seen Brice or not.

Q. Do you know Brice Sherman?

A. Yes, sir.

Q. How long have you known him?

A. I don't know, ever since '36, I guess.

Q. And under what circumstances did you meet Mr. Sherman?

(Testimony of W. R. Johnston.)

A. I seen him down at the mill a lot.

Q. Do you speak to Mr. Sherman when you see him?  
A. Not necessarily.

Q. Did you say hello to him? A. I have.

Q. And other times you have not, is that right?

A. That is right.

Q. How about Mr. Slaybough? Do you speak to Mr. Slaybough when you see him?

A. I spoke to him the other morning out in front here.

Q. Is that the first time you have ever spoken to him?

A. Otherwise than seeing him around. I have throwed my hand at him, several times waved at him, several times.

Q. You are quite sure you know who Mr. Slaybough is?  
A. Oh, yes.

Mr. Clark: That is all. [1722]

Mr. Mouritsen: No further questions.

Trial Examiner Lindsay: That is all.

(Witness excused.)

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Mr. Mouritsen: Mr. Examiner, when Mr. R. K. Martin was on the stand Friday, I believe, he was requested by Mr. Clark, I believe, to obtain a list of the names that he made on the morning of January 30, 1939, and I believe he has obtained that list.

Mr. Clark: He wasn't requested by me. He was

requested by Mr. Mouritsen, who even asked for a recess so he could run and get it. That is my recollection.

Trial Examiner Lindsay: My recollection is that both of you talked about it. My understanding was that he was to return to the stand with them. Now, it doesn't make any difference.

Mr. Clark: I talked about it on cross examination, but I can remember Mr. Mouritsen suggesting a recess, even.

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### R. K. MARTIN

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

#### Direct Examination

Q. (By Mr. Mouritsen) Now, Mr. Martin, I believe you stated while you were on the stand on a prior occasion that you had made a list or had written down a number of the names of the [1723] men who were present on this morning that has been identified as January 30, 1939, at which time certain pickets were requested to leave the Boswell plant.

Do you recall that?

A. Yes, sir.

Q. Now, have you made a search for such list?

A. Yes, sir.

(Testimony of R. K. Martin.)

Q. And do you now have that list?

A. I do.

Q. Now, will you tell us when this list of names was made up—strike that.

Who made the list of names?

A. I did.

Q. And when was that list made?

A. It was on the morning when we was run off.

Q. Well now, was that the—strike that.

How long afterwards after you returned from the Boswell plant was this list made?

A. I started to make it as quick as we got home.

Q. May I see the list, please?

(The document referred to was passed to Mr. Mouritsen.)

Q. (By Mr. Mouritsen) And this list is in your own handwriting, is that correct? A. Yes.

Mr. Clark: May I see it, please? [1724]

(The document referred to was passed to Mr. Clark.)

Mr. Mouritsen: Well, may I suggest, Mr. Clark, that you go into that when the witness is given to you for cross examination and ask the witness if there are any dates in there, and he will determine whether or not they are personal matters and maybe he will desire that you shall not.

Q. Now, Mr. Martin, I have returned to you the list and will you read into the record the names that you put down on that list on that morning.

(Testimony of R. K. Martin.)

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial; hearsay as to the respondents, not binding on any of the respondents in this proceeding, no authority having been shown in any of the persons who are named in that list from any of the respondents to appear at the Boswell plant for it or them on the morning of January 30, 1939, or any other time. And I will also object to this manner, may it please the Examiner, of the witness testifying. In other words, if that is being used to refresh his recollection, he cannot sit and read it into the record. He can look at it and then give us his recollection. [1725]

Mr. Mouritsen: Well, in that respect, Mr. Examiner, perhaps we could go back over the names that the witness gave before and take the record and re-read it and then ask him if there are any further names on there. However, this would save considerable time, and after all, it is a record of past events recorded at the time that they happened.

Mr. Clark: Well, if it is going to be used in that way, Mr. Examiner, I suggest that it be offered in evidence subject to the objection I have made.

In other words it has to be fish or fowl. It is either this man's recollection, or it isn't.

I want the record to show that the witness has torn a page out of a note book, a green covered notebook, which he holds in his hand, and has handed that page which is this list of names, to counsel for the Board.



(Testimony of R. K. Martin.)

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: May the list that the witness has handed to me be marked Board's Exhibit next in order for identification?

Trial Examiner Lindsay: Sixteen, I believe.

Mr. Clark: By the way, Mr. Witness, can you find the place where you tore that out just now?

The Witness: Right here, I believe (indicating).

Mr. Clark: Will you please hold that for a moment, then?

(Thereupon, the document above referred to was marked as Board's Exhibit No. 16 for identification.) [1726]

Mr. Clark: Has the offer been made yet?

Mr. Walsh: Not yet.

Q. (By Mr. Mouritsen) Now, Mr. Witness, I show you the document which has been marked Board's Exhibit 16 for identification, and ask you if that is the list which you referred to when you stated that you had made it on or about January 30th, 1939, after you returned to your home from the Boswell plant?

A. (Examining document) Yes.

Mr. Mouritsen: At this time, Mr. Examiner, I offer Board's Exhibit 16 for identification, in evidence.

Mr. Clark: Objected to on the ground it is hearsay as to each and every Respondent in this case, not binding on any of the Respondents, no authority having been shown by or on behalf of any of them

(Testimony of R. K. Martin.)

to any of the persons named on that list to appear on the Boswell plant on January 30th, 1939, or any other time, or to do any of the acts which have been testified to here; and on the further grounds it is incompetent, irrelevant and immaterial, and self-serving.

Trial Examiner Lindsay: It may be received.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 16.)

Mr. Mouritsen: You may inquire.

Mr. Clark: Very well.

#### Cross Examination

Q. (By Mr. Clark) Mr. Martin, do you know whether or not [1727] Eugene Clark Ely is popularly called "Fat" Ely by his friends and acquaintances?      A. He is.

Q. He is, isn't he?      A. Yes, occasionally.

Q. Now, you weren't here on Saturday morning when Mr. Slaybough testified, were you?

A. No, sir.

Q. Let me see that green book that you took this list from which has been marked——

Mr. Mouritsen (Interrupting): I object to that on the ground——

Mr. Clark (Interrupting): May I finish my statement?

Mr. Mouritsen: Yes.

Mr. Clark: Will you read the statement I made as far as I went?

(Testimony of R. K. Martin.)

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: (Continuing) —as Board's Exhibit 16?

Mr. Walsh: I object to the examination of the book by counsel, unless the purpose of the examination is made by counsel before the examination is made.

Mr. Clark: I will state my purpose is to find out where in this book that list came from, and it will be perfectly apparent in a moment. [1728]

Mr. Walsh: I suggest that counsel hand it to the witness and ask him to find the place. It is a private record, and counsel has no right to examine it.

Mr. Clark: It is the record from which an Exhibit in this case, or purportedly an Exhibit in this case, was taken, and I have a right to look at it.

Mr. Walsh: You have a right to look at the Exhibit. The book itself is not in evidence.

Trial Examiner Lindsay: What is the objection made here?

Mr. Walsh: I will object to counsel examining the document, which is a private document of this witness which is before the Court, which is for the purpose of supplying Board's Exhibit 16, which is in evidence.

The document is not in evidence, and counsel has no right to examine it. [1729]

Mr. Clark: It happens to be a book, Mr. Lindsay, from which a page was torn in order to supply

(Testimony of R. K. Martin.)

what later became an exhibit to this court; Board's Exhibit 16 was taken from it, and I have a right it seems to me to examine the book from which an exhibit is torn in order to ascertain the verity of the exhibit.

Mr. Walsh: Mr. Examiner, there has been considerable said about my fishing, and I submit that is all Mr. Clark is doing now. He has no right to take records that are brought before this court for one purpose and use them for any other, nor has he any right to examine any of the private documents of this witness when the matter which is important to this proceeding is now before the court and in evidence.

Mr. Clark: Now, I will not—I am not examining——

Mr. Walsh (Interrupting): I submit it is improper conduct.

Mr. Clark: I am not examining any private record of this witness at all. My only purpose is to prove—which I shall do in a moment—that in this book are a series of notations with dates on them. I am not concerned with the contents of those notations. I haven't even looked at them, but I have looked at the dates, and I intend to show that in this book from which Board's Exhibit 16 was torn the dates run consecutively from a time before and to a time subsequent to January 30th, those notes being in ink, and those pages being con- [1730] secutive, so that if this document which

(Testimony of R. K. Martin.)

has been marked Board's Exhibit 16 was in fact made on the 30th, it must have been written out of place in the book. And I am entitled to that evidence to bear on the verity of this exhibit.

Mr. Walsh: I submit if counsel goes into it all, he has to offer the whole book as an exhibit.

Trial Examiner Lindsay: It will have to be offered as a whole exhibit.

Mr. Clark: I have a right to read it.

Mr. Walsh: If you offer the book as an exhibit, you have to read it all. You are bound by it.

Mr. Clark: I offer the book for identification.

Mr. Walsh: I insist you offer it.

Mr. Clark: I won't offer it if I don't want to after I read it.

Mr. Walsh: I insist if you go into it you will have to offer it.

Trial Examiner Lindsay: Listen, gentlemen. Let's understand one thing: This isn't a hide and seek game.

Mr. Clark: Of course it isn't.

Mr. Walsh: Certainly not.

Trial Examiner Lindsay: If we are going into a thing, we have a right to go into it. The court has a right to see all these things. If you go into that, I want it offered.

Mr. Clark: I am not going to offer it into evidence be- [1731] yond the purpose for which I want it; and I have a right to offer it in evidence and limit it to a specific purpose.

(Testimony of R. K. Martin.)

Trial Examiner Lindsay: We are not going to argue. I am going to sustain the objection made by Mr. Walsh.

Mr. Clark: I will make an offer of proof and take your ruling on it.

Mr. Walsh: I am still objecting to counsel examining the document.

Trial Examiner Lindsay: Sustained.

Mr. Walsh: And I move to strike anything that he offers on it.

Trial Examiner Lindsay: I request the document be handed back to the witness.

Mr. Clark: Just a minute, Mr. Examiner. I have a right to test the credibility of an exhibit which has been offered in evidence in this case and which has been torn from this book. I am not examining the contents of it.

Trial Examiner Lindsay: Mr. Clark, I have requested that certain things be done and you have seen fit to refuse.

Mr. Clark: I am about to make an offer of proof, Mr. Examiner.

Trial Examiner Lindsay: I have sustained the objection on that. That document is not in evidence, and it hasn't been brought here for that purpose. It is at your request that this specific exhibit was offered as an exhibit. [1732]

Mr. Clark: Subject to my objection.

Trial Examiner Lindsay: Subject to your objection, that is right.



(Testimony of R. K. Martin.)

I have outlined the procedure. If you see fit not to follow it, then that is entirely up to you.

Mr. Clark: I am certainly not going to offer in evidence a document which comes from this gentleman for any other purpose other than that which I think bears upon our case, and I am about to make an offer of proof. That is all in the world that I am asking permission to do.

Trial Examiner Lindsay: We are not going to get into any more argument.

Now, constantly I have been confronted with this one thing. The minute I try to say anything, I am interrupted. That kind of practice is not the kind of practice I have been used to.

We will have a ten minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Shall I proceed, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Mr. Clark: Mr. Examiner, I will ask that the green book from which Board's Exhibit 16 was taken, be marked for identification as Respondent Associated Farmers' next in [1733] order?

Trial Examiner Lindsay: Number 16 is already in evidence.

Mr. Clark: I know, your Honor.

Trial Examiner Lindsay: Sixteen is in evidence, Mr. Clark.

(Testimony of R. K. Martin.)

Mr. Clark: Yes, I understand that.

May I have it read back, please?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: I misunderstood you. It may be marked.

Mr. Clark: Very well.

(Thereupon, the document above referred to was marked as Associated Farmers of Kings County, Inc.'s Exhibit No. 1 for identification.)

Q. (By Mr. Clark): Now, Mr. Martin, I want you to——

Mr. Walsh (Interrupting): Mr. Examiner——

Mr. Clark (Continuing): ——start——

Mr. Walsh (Interrupting): Excuse me, Mr. Clark.

Mr. Clark: Yes.

Mr. Walsh: For the purpose of the record, may we have Mr. Clark describe the book, its type?

Mr. Clark: I am not offering it in evidence yet, but the Exhibit for identification just marked is a stenographer's [1734] shorthand notebook, I believe, with the label "Li-Rite" on it, stenographic notes, No. 101, and it is marked "No. 13 from E. C. Ely, 1939, to R. Martin," I believe, "1939." Is that right? A. R. K. Martin, Yes.

Q. R. K. Martin.

It is green in color and is not loose-leafed?

Now, Mr. Martin, I want to direct your attention

(Testimony of R. K. Martin.)

to a page in this note book, and I will ask you just to tell us what the date is that appears at the heading of that page?      A. November 18th.

Q. Yes. Of what year?      A. 1938.

Q. And the memorandum which follows that date is in writing—is in ink, pen and ink, is it not?

A. That is right.

Q. Now, will you turn to the next page which consecutively follows the one you have just identified, and will you give us, please, the date which appears in the preamble of that?

A. November 18th, 1938.

Q. And I notice the notes are likewise pen and ink, are they not?      A. Yes, sir.

Q. Now, will you please turn to the next consecutive page and will you give us the date which appears there? [1735]

A. January 24th, 1938—'39.

Q. Yes.

And those notes are likewise in pen and ink, aren't they?      A. Yes.

Q. Now, will you turn to the next consecutive page——

A. (Interrupting): February——

Q. (Continuing): ——and give us the date with which your notes are headed?

A. February 8th, 1939.

Q. And those notes are likewise in pen and ink, aren't they?      A. Yes, sir.

Q. Now, will you turn to the next one and give us the date there, please?

(Testimony of R. K. Martin.)

A. February 14th, 1938.

Q. And those notes are likewise in pen and ink, aren't they?      A. They are.

Q. Yes. All right.

Will you please state generally——

Mr. Mouritsen (Interrupting): May we have that date? I think the witness said "1938," or someone did.

Mr. Clark: I think it does say February 14th, 1938. Can you tell us whether the right date there would be '39, after reading whatever it says?

The Witness: '39.

Q. (By Mr. Clark): In other words, the date should be Febru- [1736] ary 14th, 1939: is that right?      A. That is right.

Q. The date "1938" is just an error, is that true?      A. That is right.

Q. Now, will you please tell us, generally, Mr. Martin, without divulging the contents of any of those memoranda, whether they have to do with matters affecting the Union involved in this case and the Boswell situation?

A. Well, I don't know how to explain that without telling the contents.

Q. I don't want you to explain the contents. I want you to just tell me whether or not I am correct in stating that these memoranda are notes made by you on or about these dates respecting the matter under investigation here?

A. Yes, sir.

(Testimony of R. K. Martin.)

Q. They are, aren't they?           A. They are.

Q. All right.

Now, am I likewise correct in stating that the memorandum which is written in pencil, and which is now marked Board's Exhibit 16, and which is dated January 30th, 1939, was taken by you, at Mr. Walsh's request, just before it was admitted in evidence, from a totally different part of the book?

A. It was, on this side of the book.

Q. And by "this side," you are turning the book over and indi- [1737] cating the opposite end of the book, if we can call it that, is that right?

A. That is right. [1738]

Mr. Clark: Now, we will offer, may it please your Honor, the Associated Farmers' Exhibit 1 for identification in evidence for the limited purpose as showing the position and dates of the pen and ink notes just testified to.

Trial Examiner Lindsay: Received for that purpose.

(Thereupon the document above referred to was received in evidence and marked Associated Farmers' Exhibit No. 1.)

Mr. Walsh: Are you through with it?

Mr. Clark: Yes, but I am not through with the witness.

Mr. Walsh: Go ahead.

Q. (By Mr. Clark): Directing your attention to Board's Exhibit 16, which is the pencil memorandum taken from the back of the book which you

(Testimony of R. K. Martin.)

have just told us about, it says, "Men identified January 30, 1939," and there follows a list of names. That is correct, isn't it?

A. That is correct.

Q. Now, when was it you made up this list?

A. The same day, January 30, 1939.

Q. And how long after you returned from the Boswell plant was it, Mr. Martin, that you made it up?

A. Oh, I would say ten or fifteen minutes I started after I got home.

Q. I see.

And how long after the events which you have described on your direct examination at the plant was it that you actually [1739] got down and started to write this memorandum?

A. I would say twenty or maybe thirty minutes.

Q. I see.

That question, you see, includes the time it took you to get home from the plant?

A. Yes.

Q. All right.

Did you personally identify all of the names which appear in this exhibit?

A. I did.

Q. Are all of these men known to you personally?

A. Yes.

Q. So when you say "Men Identified January 30, 1939," you mean the men which you personally identified?

A. Yes, sir.

Q. Now, you did not then sit down and corroborate with any of the other people who were at the plant with you?

A. No.



(Testimony of R. K. Martin.)

Q. And as you made this list out ask them whether so-and-so was there? A. No.

Q. In other words, it is your own personal observation? A. Yes, sir.

Q. Why was it you didn't put it down in order with the other notes that were in the book? [1740]

A. Well, one of those was in one side of the book and one was in the other. You can use either side of the book.

Q. Isn't this the only note of similar purport that was in the back of the book?

A. Yes, sir.

Q. In other words, I am correct in stating, am I not, that on January 30th when you made the list which was marked Board's Exhibit 16, the last note of the pen and ink notes in the book was that of January 24, 1939? A. Yes, sir.

Q. And the ones of February 8, 1939, or February 14, 1939, had not yet been written, is that true? A. That is right.

Q. And am I likewise correct in stating that now nowhere in this book, Board's Exhibit 16 having been removed, appears any memorandum by you of similar purport that is involving this situation?

A. Yes.

Q. The answer is, that is right?

A. Yes, sir.

Q. Is that the answer? A. Yes, sir.

Q. Now, let me ask you again why wasn't it that you didn't simply sit down and put this January

(Testimony of R. K. Martin.)

30, 1939, memorandum in order after the one of January 24th? [1741]

Mr. Mouritsen: Objected to as already asked and answered.

Mr. Clark: I don't think it is clearly, and I would like it again.

Trial Examiner Lindsay: Sustained.

Mr. Clark: Very well.

Q. Now, Mr. Martin, you are absolutely positive that Brice Sherman was there and you saw him that morning? A. Yes.

Q. How long have you known Mr. Sherman?

A. Three or four years, I guess.

Q. And under what circumstances, please?

Mr. Mouritsen: Objected to.

Q. (By Mr. Clark): I mean, can you describe the state of your acquaintance with him?

A. I can.

Q. Will you please tell us.

A. He worked for the Boswell Company in the office there for quite a while.

Q. And you met him at that time, did you?

A. Yes.

Q. And there can't be any mistake at all concerning your identifying him, is that correct?

A. Yes, sir.

Q. How long had you known Russel Slaybough, again, please?

A. About six years, between five and six years. [1742]

(Testimony of R. K. Martin.)

Q. Did you likewise know him well enough to speak to?      A. Yes.

Q. So there couldn't be any doubt of your identification of him, could there?

A. That is right.

Q. Now, how about Everett Salyer? Did you see him there?      A. Yes, sir.

Q. How long do you think you have known Everett Salyer?

A. I have known him for four or five years.

Q. And do you know him well enough to speak to or to stop and talk to?

A. I don't know as I ever did talk to him or have any conversation with him.

Q. Did you say prior to January 30th when you saw him you would say hello to him?

A. Yes.

Q. You knew him all right, in other words?

A. Yes.

Q. And did he return your salutation to you on those occasions?

A. No, sir; he didn't.

Q. And so far as you know you have never stopped and talked to him on any occasion?

A. No, sir.

Q. How was Everett Salyer dressed that morning? Do you re- [1743] member? That is, January 30th.      A. He wore Levi's.

Q. And by those you mean dungarees?

Mr. Mouritsen: I object. I think the witness has identified them.

(Testimony of R. K. Martin.)

The Witness: It is made of blue cloth, isn't it?

Q. (By Mr. Clark): Of overall cloth?

Mr. Mouritsen: It has rivets on the pockets.

Mr. Clark: In the Navy we call them dungarees.

Q. You weren't in the Navy, were you?

A. No, sir.

Q. All right.

Now, did you see Roy Filcher there that morning? A. Yes, sir.

Q. Was Filcher active in doing whatever was being done there?

Mr. Mouritsen: Objected to as indefinite. That isn't a fair question, Mr. Examiner.

Mr. Clark: All right. I withdraw that question, Mr. Examiner.

Trial Examiner Lindsay: All right.

Q. (By Mr. Clark): You did see Filcher there?

A. Yes.

Q. What was he doing when you saw him, without any lengthy description? [1744]

A. He was standing off about 10 or 12 feet from the car.

Q. Was he one of the persons that was close to your car? A. Yes.

Q. Did you see Mr. Ralph Gilkey there on that morning?

A. I don't know as I know him. I know the two Gilkeys, but I don't know them apart. I can't say that he was.

Q. Did you see Mr. Joe Mackey there that morning? A. Yes, sir.

(Testimony of R. K. Martin.)

Q. Do you know Mr. Mackey?

A. Yes, sir.

Q. How long have you known him?

A. About six years.

Q. And under what circumstances, please?

A. Well, I have hauled cottonseed cake from the J. G. Boswell Company out to the ranch that he runs for them at that time.

Q. You got to know him at that time, did you?

A. I had to take a bill of stuff to him to get it signed.

Q. So there is no doubt at all about your being able to identify Mackey, is that right?

A. Yes, sir.

Q. And you are positive he was there that morning?

A. Yes, sir.

Q. Now, how about Bob Wilbur? Was he there at the plant that morning?

A. There was two Wilburs. As I understand, they are both [1745] brothers.

Q. Yes. I think so.

A. Yes, sir.

Q. I don't know that they are brothers, but there are two Wilburs.

A. Yes, sir.

Q. One is Bill and one is Bob Wilbur?

A. Yes.

Q. Do you know them both?

A. Yes, sir.

Q. Do you know them both well enough to identify them?

A. Yes, sir.

Q. How long have you known them?

(Testimony of R. K. Martin.)

A. The one known as Bob, I think I have known him for two years, something like that.

Q. And do you know him well enough to speak to when you see him?      A. Yes, sir.

Q. Does he return your greeting?

A. He did.

Q. I mean, prior to this——

A. (Interrupting): I don't know as I have seen him since then.

Q. Prior to January 30th, whenever you have seen Bob Wilbur—which did you say?

A. Bill. The light complexioned one is the one I think they [1746] call Robert, and the dark complexioned, Bill.

Q. Let's take Bill Wilbur.

Prior to January 30th when you saw him and spoke to him, would he say Hello to you?

A. I don't think I have seen him since.

Q. I mean prior?

A. Yes. He used to work for Boswell Company.

Q. There is no doubt about your being able to identify him?      A. Yes, sir.

Q. How about Bob Wilbur? How well do you know him?

A. Bob is the dark complexioned one we have just described.

Q. What about the one we have not described. Bill Wilbur?

A. I don't know him as well as the other one.



(Testimony of R. K. Martin.)

Q. But there is no doubt you can identify them?

A. No, sir.

Q. Did you have any conversation with him?

A. No, sir.

Q. Ever spoken to him on the street?

A. Oh, yes.

Q. In your list here you just have Mr. Wilbur.

Which one do you mean?

A. It is the light complexioned, the heavy set one.

Q. What is his name?

A. I don't know—I think his name is Robert.

Q. I see.

Well, at the time you wrote this list, you didn't know what [1747] his first name was, did you?

A. That is right.

Q. In other words it is right that you didn't know what his name was?

A. No, I knew Bill, they called him Bill, but I didn't know whether his name was Robert or what his name was.

Q. Well, I notice that in other respects here you have the first names of people such as Lloyd Liggett, Forrest Riley?

A. Yes, sir.

Q. But when you come to Wilbur, it is just Mr. Wilbur?

A. Yes, sir.

Q. What was the reason for that?

A. I didn't know the difference in their names.

Q. You didn't know his first name, did you?

A. That is right.

(Testimony of R. K. Martin.)

Q. Which ever Wilbur it was, will you please tell us whether he was one of the group which came up to your car there?

A. The dark complexioned one, he was, but he didn't get up as close as the other.

Q. Is it your testimony that they were both there?      A. Yes, sir.

Q. Why didn't you put the names of both of them on your list?

A. I just didn't remember him at that time.

Q. So you just put one Mr. Wilbur there?

A. Yes. [1748]

Mr. Clark: That is all.

Mr. Walsh: May I ask the witness a question or two on redirect examination?

Trial Examiner Lindsay: Yes.

#### Redirect Examination

Q. (By Mr. Walsh): Mr. Martin, I believe you have had in your hand the book which has been admitted into evidence as Associated Farmers' Exhibit No. 1, that is the book you have in your hand?

A. Yes.

Q. You made all of the entries that are in that book, did you?      A. Yes.

Q. And all of the things, all of the memoranda that Mr. Clark called your attention to were written by you?      A. Yes.

Q. And were they written on the dates that were indicated on each one of these memoranda?

A. Yes.

(Testimony of R. K. Martin.)

Q. And all of these memoranda relate to the matters that are being investigated here now, aren't they?      A. Yes.

Mr. Walsh: Mr. Examiner, at this time I desire to mark for identification Associated Farmers' Exhibit No. 1 as Board's Exhibit next in order, to be 17. [1749]

(Thereupon, the document above referred to was marked as Board's Exhibit No. 17 for identification.)

Mr. Walsh: I offer in evidence, for all purposes, the book which is now marked for identification as Board's Exhibit 17. I desire to offer it in evidence.

Mr. Clark: I object to that upon the ground it is hearsay and self-serving, not probative of any issue in this case, Mr. Examiner, except so far as the limited purpose for which the Respondent, Associated Farmers of Kings County, offered it on this gentleman's cross examination. In other words, it is simply made up of statements made by him which I haven't even examined.

Trial Examiner Lindsay: Well, you have a right to.

Mr. Clark: And which are undoubtedly self-serving and hearsay as to the Respondents.

Trial Examiner Lindsay: If you desire, you have a right to examine them right now before I receive them.

Mr. Clark: Very well.

(Testimony of R. K. Martin.)

(The document referred to was passed to Mr. Clark.)

Mr. Clark: Now, having examined the proposed Exhibit, Mr. Examiner, I will object to it upon the same grounds, namely, self-serving and hearsay as to all these Respondents.

Trial Examiner Lindsay: It may be received as Board's Exhibit 17 for all purposes.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit 17.) [1750]

Mr. Walsh: That is all.

Mr. Clark: May I ask one or two questions?

Trial Examiner Lindsay: Yes.

#### Recross Examination

Q. (By Mr. Clark): Mr. Martin, I notice on the cover of this book it says "From E. C. Ely to R. K. Martin." Do you remember that?

A. Do I remember that?

Q. Yes.            A. Yes, sir.

Q. In whose handwriting is that in, please?

A. That is E. C. Ely's.

Q. Is that the gentleman known as "Fat" Ely?

A. Yes, sir.

Q. When did you receive this book from Mr. Ely?

Q. I didn't receive it from Mr. Ely.

Q. Well, what is the meaning of that description on the cover?

(Testimony of R. K. Martin.)

A. He just did that while we were on the picket duty.

Q. Just jokingly, is that all?           A. Yes.

Q. You didn't get the book from him in the first place?           A. No.

Q. By the way, do you remember the first Union gathering or gathering of Union people that Eugene Clark Ely attended?

A. I don't know whether I do. [1751]

Q. Early——

A. (Interrupting): The first one?

Q. Yes. Was it as early as November 16th of '38?

A. It was—well, as I remember, it was the trip we made to Bakersfield.

Q. And when was that, please?

A. (Pause.)

Q. Just fix it as best you can with respect to whether it was before or after the first of the year.

A. It was in the first of January I think we made that trip.

Q. January of 1939?           A. Yes.

Q. Is that the first time, so far as you can remember, that Eugene Clark Ely or "Fat" Ely ever attended a gathering of union members?

A. No. I think he was present at a gathering before that.

Q. And how long before, please?

A. Oh——

Q. (Interrupting): Just as nearly as you can fix it.           A. Approximately a month or two.

(Testimony of R. K. Martin.)

Q. As early as November of '38?

A. I couldn't say; something around there, maybe December.

Q. Do you remember whether or not he was present at the gathering of November 16, 1938? [1752]

Mr. Mouritsen: Now, may it be identified to the witness? It is not a fair question.

Mr. Clark: I think Mr. Martin testified to there being a union meeting on the 16th.

Q. Isn't that right?      A. Yes.

Q. Do you remember there was a meeting on November 16th just before your committee met with Gordon Hammond on the morning of the 17th?

A. Yes.

Q. All right.

Now, I am directing your attention to this meeting of the 16th. I want to ask you whether you remember whether or not Eugene Clark Ely was present at that gathering at any time either before or after the actual meeting was held.

A. I don't remember about that meeting, whether he was or was not.

Q. Would you say he wasn't there?

A. He wasn't there during the meeting, I know.

Q. Well, would you say that he wasn't there some time during the gathering?

A. No, wouldn't say he wasn't.

Q. All right.

Now I notice that in your memoranda here of



(Testimony of R. K. Martin.)

November 18, 1938, under the heading of "Union members laid off before the [1753] lock-out, November 18, 1938" are the names of Walter Winslow, Peter Galvan, Lawrence Galvan, Vidal Galvan, Manuel Escabedo, Elmer Eller, W. R. Johnston, B. L. Ely, S. J. Griffin."

And then immediately under that "Union members forced off the jobs November 18, 1938, L. A. Spear, O. L. Farr, H. N. Wingo, George Andrade, E. C. Powell, Joe Briley, R. K. Martin."

Will you please tell us whether those names constituted the entire membership of your union on that day?

Mr. Mouritsen: Before this is answered, if the witness is going to be asked a question regarding that, I submit he should have an opportunity to examine the memoranda about which he is being examined, and, furthermore, that the question is objectionable in that it is incompetent, irrelevant and immaterial, not tending to prove or disprove any of the issues in the matter.

Mr. Clark: It is a question preliminary to a question I will ask in just a minute.

Trial Examiner Lindsay: The objection is sustained.

Mr. Clark: Very well.

Q. Is there any member of your union, or was there any person who belonged to your union on November 18, 1938, who was not either laid off prior to that time or forced off on that day?

(Testimony of R. K. Martin.)

Mr. Walsh: Objected to.

Mr. Clark: Of course, the gravamen of the charge here, [1754] may it please the Examiner, is that Boswell Company has discriminated against persons because of their affiliations with this union.

I will take the ruling.

Trial Examiner Lindsay: The objection is sustained.

Mr. Clark: Very well.

Q. Now, Mr. Martin, let me ask you whether I am not correct in stating that Peter Galvan was put back to work by Boswell's after this time?

A. Yes, he has been back.

Q. Do you know whether or not he is working now?

A. No, sir, I don't.

Q. And how about Lawrence Galvan, didn't he go back to work after November 18th at Boswell?

A. I think he worked a few days.

Q. Do you know whether he is working now?

A. No, sir, I don't.

Q. And how about Vidal Galvan? Didn't he go back to work with Boswell after this time?

A. I think he worked a few days.

Q. And how about Manuel Escabedo? Wasn't he given work by Boswell after that time?

A. Yes.

Q. How about Elmer Eller? Do you know anything about him?

A. He has not been given work since. [1755]

Mr. Clark: I see. That is all.

(Testimony of R. K. Martin.)

Just one other question.

Q. Am I correct in stating that the names of the men I just read to you, namely, the Galvans and Escabedo, refused to take part in the boycott against the Boswell's, which has been testified to in this case?

Mr. Walsh: I object as not being material.

Mr. Clark: I will submit it, because they were returned to work and I want to show the reason.

Trial Examiner Lindsay: I will sustain the objection to that question.

Mr. Clark: Very well.

Mr. Walsh: No further questions.

Mr. Clark: No further questions. I have one further question, if I may, before this witness is excused.

You said that Eller hadn't been returned to work. He is down in the State of Georgia now, isn't he?

The Witness: He is.

Mr. Clark: All right. Thank you.

(Witness excused.)

Trial Examiner Lindsay: We will adjourn until 2:00 o'clock.

(Thereupon, at 12:00 o'clock noon, a recess was taken until 2:00 o'clock p. m. of the same date.) [1756]

(After recess.)

(Whereupon, the hearing in the above-entitled matter was resumed, pursuant to recess, at 2:00 o'clock p. m.)

Trial Examiner Lindsay: Hearing called to order.

Mr. Walsh: Walter Winslow.

Mr. Clark: Mr. Examiner, and Mr. Walsh, I wonder whether we could put on Mr. Botts to identify the list of members——

Mr. Walsh (Interrupting): Oh, yes.

Mr. Clark (Continuing): ——that he was preparing pursuant to agreement of last week, so we could have him do that and get rid of him and allow him to go back to work.

Mr. Walsh: That is satisfactory.

Mr. Botts.

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### HAROLD E. BOTTS

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and further testified as follows:

#### Cross Examination

(Continued)

Trial Examiner Lindsay: Let the record show that Mr. Botts is being recalled.

Q. (By Mr. Clark): Mr. Botts, I show you what purports to be a list of members of the Associated Farmers of Kings County, Inc., dated March 1st, 1939, and upon which appears certain writing opposite certain of the names, as in the case of Jesse Anderson, the words "Joined before

(Testimony of Harold E. Botts.)

January 30, 1939," and to [1757] which list is annexed a letter signed by you dated June 5, 1939.

I will ask you whether or not these documents were prepared by you in accordance with the instructions which you received last week while testifying here.

A. Could I ask a question off the record?

Trial Examiner Lindsay: Yes.

Mr. Clark: Let us put it on the record. Let us have it on the record.

Trial Examiner Lindsay: Just a minute, Mr. Clark. You may have it on the record.

The Witness: As a matter of clarification that might clarify that list. Not having a copy of the record to check just which way you wanted that prepared, I prepared those to show the members who joined before January 30th and those without any mark are subsequent.

Q. (By Mr. Clark): The question I asked you is this, Mr. Botts. Is this document which I have described to you the result of the work you were requested to do by the Examiner and Mr. Walsh and myself on last Friday, I think it was, when you left the witness stand?

A. It is, to the best of my knowledge.

Q. In doing that, am I correct in stating that instead of indicating on the list the persons that had joined the Associated Farmers of Kings County after January 30, 1939, you in [1758] each instance have indicated in fact those persons who joined before January 30, 1939?

(Testimony of Harold E. Botts.)

A. That is correct.

Q. All right.

And am I also correct in stating that where there is no writing after any name on the list, you intended that to mean that the person after whose name no writing appears joined the Associated Farmers of Kings County after January 30, 1939?

A. That is correct.

Q. All right.

Now, I direct your attention to the letter which you have annexed to this list I have described to you in which you state this: "The names on the attached list which are designated by a check mark joined the Associated Farmers of Kings County, Inc., before January 30, 1939."

Now, by that you refer to the check mark on the left-hand column?      A. Yes.

Q. "All other names on this list joined the organization during or after a campaign for membership conducted during the month of February, 1939," and by that do you mean those names before which there are no check marks and after which there is no writing?

A. That is correct:

Mr. Clark: We will ask, Mr. Examiner, that Mr. Botts' [1759] letter of explanation and the list which he has been telling us about be annexed to Board's exhibit already in evidence, and constitutes the membership list.

Is that No. 11, Mr. Walsh?



(Testimony of Harold E. Botts.)

Mr. Walsh: I do not remember.

Mr. Clark: Or whatever number it is.

Trial Examiner Lindsay: Your offer is that the letter attached to that exhibit become part of it?

Mr. Clark: Yes, so they will all be together.

Mr. Walsh: Let us divide them.

Mr. Clark: All right. Let the list which Mr. Botts has prepared be designated as Board's Exhibit 11(a) and the letter, explanatory letter signed by Mr. Botts, be Board's Exhibit 11(b).

Mr. Walsh: No objection.

Mr. Clark: That is all.

Mr. Walsh: I will offer that on behalf of the Board.

Trial Examiner Lindsay: Board's Exhibits 11(a) and 11(b) may be received.

(Thereupon the documents above referred to were received in evidence and marked Board's Exhibits 11(a) and 11(b).)

Mr. Clark: There is one other question I would like to ask this witness before we let him go.

Q. Have you made any computation now, so it may be clear in the record, of the number of members of the Associated Farmers [1760] of Kings County, Inc., on January 30, 1939?

A. As I checked that over, I counted them and there were 162 on the list so marked.

Q. 162 members on that date, is that true?

A. Yes, sir.

(Testimony of Harold E. Botts.)

Q. Can you tell us how many members there are now?

A. I would have to approximate it.

Q. Well, can you tell me how many members there are as shown by this list on March of this year?

A. I don't remember.

Q. You haven't counted them?

A. I haven't counted them. I would have to guess.

Mr. Clark: Very well. That is all.

Mr. Walsh: No questions.

(Witness excused.) [1761]

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Mr. Clark: Now, Mr. Examiner, may Mr. Botts be released?

Mr. Walsh: I have no objection to his being released.

Trial Examiner Lindsay: Then he is released.

Mr. Walsh: Mr. Walter Winslow.

#### WALTER WINSLOW,

recalled to the stand by and on behalf of the National Labor Relations Board, having been previously duly sworn, was further examined and testified as follows:

Trial Examiner Lindsay: You were on the stand?

The Witness: Yes.

(Testimony of Walter Winslow.)

Trial Examiner Lindsay: Let the record show Walter Winslow as being recalled.

Direct Examination

Q. (By Mr. Walsh): Mr. Winslow, did you attend the session of this hearing on Friday, June 2nd? A. I did.

Mr. Clark: Now, just a moment please. Was it our understanding this morning, Mr. Walsh, that my general objections to the reception of any evidence in support of the Board's alleged case against the Associated Farmers of Kings County, Inc., run to all of today's testimony? I think it was.

Mr. Walsh: It may. If we didn't so understand it, it may be so stipulated now.

Mr. Clark: Very well.

Q. (By Mr. Walsh): Were you present at the afternoon session? [1762]

A. I was.

Q. You heard the testimony of Mr. Riley and Mr. Salyer prior to the recess, did you?

A. I did.

Q. Will you state to the Examiner what happened at the recess which occurred just after Mr. Salyer left the witness stand?

Mr. Clark: Let me hear that last question? When was this? Last Friday?

Mr. Walsh: Friday, the recess just after Mr. Salyer's testimony.

Trial Examiner Lindsay: After whose?

Mr. Walsh: Mr. Salyer's.

(Testimony of Walter Winslow.)

Mr. Clark: May I have the question read?

Trial Examiner Lindsay: Yes, read the question.

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: The time being last Friday afternoon, I take it?

Mr. Walsh: Friday afternoon, June 2nd.

Mr. Clark: To which we object, may it please the Examiner, on the ground it is incompetent, irrelevant and immaterial, hearsay, and not binding on any Respondent to this proceeding, and an attempt, apparently, on the part of the Board to impeach a witness called by it on its own behalf. [1763]

I think the record will show that Mr. Salyer was called on behalf of the Board, and certainly not on behalf of any Respondent; and, therefore, anything that happened with respect to his having testified is immaterial and not binding on the Respondents, and absolute hearsay as to them.

I will further add to the objection that no proper foundation has been laid.

Trial Examiner Lindsay: He may answer.

The Witness: Well, right after the recess we went out for a recess, and I stepped off of the steps out there, and as I stepped off—

Q. (By Mr. Walsh) (Interrupting): Indicating

(Testimony of Walter Winslow.)

ing the front of the building in which this hearing is now being held?

A. Yes. As I stepped off, I stopped from the ordinary step that goes down—I stopped to roll a cigarette.

Q. Did you see any persons near you at that time?      A. I did.

Q. Will you state who those persons were?

A. Bill Boswell, Lloyd Liggett, Forrest Riley, E. C. Salyer and Clark and Painter.

Q. Now, did you hear any of that group of persons say anything?      A. I did.

Q. Will you state to the Examiner just what any one of that [1764] group said?

A. E. C. Salyer said, “I really got them cold, didn’t I?”

Mr. Clark: Said what?

The Witness: “I really got them cold.”

Mr. Clark: May I have that read back?

Trial Examiner Lindsay: Read the answer.

(The record referred to was read by the reporter, as set forth above.)

Mr. Walsh: Repeat the statement, Mr. Witness.

The Witness: “I really got them cold.” [1765]

Q. (By Mr. Walsh): What else did Mr. Salyer say?

A. He said, “We all tell the same story, and the case will have to go just as we tell it.”

Q. Did anybody else say anything?

A. At that time they all had a laugh over it.

(Testimony of Walter Winslow.)

Q. Did anybody else say anything?

A. And Lloyd Liggett said, "I am going to get up and tell the same story that you guys told and get plenty tough with them."

Q. Then what happened?

A. Well, I walked on. I had my cigarette rolled then and walked on.

Mr. Walsh: That is all.

Mr. Clark: I have only one thing to say, Mr. Examiner, and that is that that is a deliberate lie.

Trial Examiner Lindsay: That will do.

Mr. Clark: I say, that is a deliberate lie, and I am stating so that it will appear in the record.

Trial Examiner Lindsay: Mr. Clark, I was not directing my remark to you, and I wasn't looking at you. I was directing my remark to those that were laughing out there.

Mr. Clark: May I cross examine?

Mr. Walsh: Yes.

Trial Examiner Lindsay: Yes. [1766]

#### Cross Examination

Q. (By Mr. Clark): Mr. Winslow, is it your testimony that I was standing present in a group of people within hearing of the remarks which you attribute to Mr. Salyer and Mr. Riley?

A. You was.

Mr. Clark: That is all.

Mr. Walsh: That is all. Step down.

(Witness excused.)



Mr. Walsh: Mr. Louie Hanson.

Mr. Clark: That is without doubt, Mr. Examiner, one of the dirtiest pieces of perjury and aid in that connection on the part of the people who are responsible for putting that person on the stand that I have ever had the opportunity of listening to.

Mr. Walsh: Mr. Examiner, I am not arguing my case at this time.

Mr. Clark: Your understanding of the ethics of this profession, Mr. Walsh, is very strange to me.

Trial Examiner Lindsay: Well, I am not making any comment on it at all, and, of course——

Mr. Clark (Interrupting): There will be plenty of comment made if you think I am going to rest with an argument like that.

Trial Examiner Lindsay: You and anyone else have a right [1767] to comment. That is all.

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### LOUIS A. HANSON

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh): Will you state your name, please?

A. Louis A. Hanson.

Q. Where do you live?

A. Five miles south of Corcoran.

Q. And what is your business?

(Testimony of Louis A. Hanson.)

A. Farming and cattle feeding.

Q. Are you a member of the Associated Farmers of Kings County, Inc.?      A. Yes, sir.

Q. Directing your attention to January 30, 1939, which has been identified as the date on which some of the pickets were asked to leave the Boswell plant, I will ask you if you were present on that day?

A. I drove up there in a car; yes, sir.

Q. About what time did you arrive, Mr. Hanson?

A. I don't know. There was a crowd around the car when I drove up there.

Q. Did you get out of the car?

A. No, sir. [1768]

Q. Did you talk to anybody there?

A. Not a word.

Q. How long did you remain?

A. I drove off before the crowd dispersed. I don't know. I was probably there possibly ten or fifteen minutes; maybe not that long; possibly ten minutes.

Q. Did you see a number of people there?

A. There was quite a crowd there; yes, sir.

Q. About how many would you estimate were present?

A. It would be hard to say. I would say 50 or 75 possibly. I never paid particular attention.

Q. Did you recognize any of the persons there?

A. I never paid any particular notice as to who was there. There was just a crowd.

Q. Did you notice what was going on?

(Testimony of Louis A. Hanson.)

A. No, just a crowd around the car. I don't know what was going on. I wasn't close enough to hear even any of the conversation.

Q. Did you talk to any of the persons present at all? A. No, sir, I never left my car.

Q. Did you make any inquiry of anyone as to what was happening? A. Not at that time.

Q. Had you been at the Salyer ranch previous to that time?

A. I was out there that morning for a little while; yes, sir. [1769]

Q. Do you recall what time you arrived there?

A. No, I wouldn't say.

Q. How did you happen to be at the Salyer ranch?

A. I heard there was a gathering there from the conversations along the street in town.

Q. Yes.

Did anyone tell you what the gathering was about?

A. Yes, they said it was about the strike being called, or something, down there at the Boswell place. I went out there more out of curiosity than anything.

Q. Did you have any cotton in the warehouse at that time in the Boswell gin? A. No, sir.

Q. Did you know the people that were at the Boswell ranch? A. At the Boswell ranch?

Q. I am sorry. The Salyer ranch.

A. I knew a few of the men, yes. They were farmers around this country.

(Testimony of Louis A. Hanson.)

Q. Who did you see out there?

A. Oh, I could identify a few. I think Salyer— Mr. Salyer himself, and Riley, and possibly Mr. Liggett. I didn't pay any particular notice, just a bunch of them there.

Q. Did you talk to anybody there at that time?

A. No, I didn't discuss it with anyone.

Q. Did you overhear any conversations there?

A. No. [1770]

Q. (By Mr. Walsh): Did you leave the ranch at the same time as the rest of the men did?

A. No, I left before they did.

Q. Did you know where they were going?

A. I understood, yes. That is the reason I drove, later on I drove down there to see just what was happening.

Q. What was said there that would indicate to you what these men were doing?

A. Well, as I understood, they were going down to talk to the men that were picketing. That is all.

Q. Well, do you recall at this time any remark of any person that would indicate that that was what they were going to do? A. No, I don't.

Q. Did you see any persons at the Boswell gin that you didn't know?

A. That I didn't know?

Q. Yes.

A. Yes. There is a lot of men around that I don't know.

(Testimony of Louis A. Hanson.)

Q. Well, did you see any at this gathering that you didn't know?

A. Yes. I seen some I didn't know. A lot of the men called me by my first name, and I don't even know them.

Q. Can you recall now anyone who you saw at the gin that morning that you haven't told us about?

A. No, I don't. I paid no particular notice as to personally [1771] who was there.

Q. Now, did you attend the barbecue held at the Salyer ranch that night?

A. I didn't get to the barbecue, no, sir. I did not have time to go over there. I was there at the last part of the meeting. There was a man speaking. I was there part of the time and I left, but I couldn't stay on.

Q. Do you recall who the speaker was at that time?

A. No. I didn't know him. I never saw the man before.

Q. Did you do any work for the Boswell Company yourself?

A. No, sir.

Q. Do you have any financial business with them?

A. No.

Q. Have you, within the last year, had any financial transactions with the Boswell Company?

A. Just what do you mean by "financial transactions?"

(Testimony of Louis A. Hanson.)

Q. I mean have you sold them any of your farm products or financed any of your crops through them?

A. I haven't financed any crops through them; never have. I have sold them some produce at times, I think some hay once or twice to the cattle yard down there, just as a business transaction. I have never had any financing, that is, financing with them at all. I have bought some cotton seed occasionally from them for my seed mill.

Q. Do I understand that a meeting followed the barbecue and [1772] you didn't get there for the barbecue itself, but you did just for the meeting?

A. Well, there was a speaker there. I imagine that is what you would call a meeting.

Q. Was there quite a large group of men there?

A. Quite a number, yes.

Q. About how many would you estimate?

A. Oh, I imagine there was one hundred or more; maybe more. I didn't pay particular notice.

Mr. Walsh: That is all.

#### Cross Examination

Q. (By Mr. Clark): Mr. Hanson, will you please tell us whether or not your going to the Boswell plant on the morning of January 30th, 1939, was the result of any direction that you received from the Associated Farmers of Kings County?

A. No, sir.

Q. Was it as the result of any suggestion or in-



(Testimony of Louis A. Hanson.)

invitation received by you from the Associated Farmers of Kings County?      A. No, sir.

Mr. Clark: That is all.

Mr. Walsh: That is all.

(Witness excused.)

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Mr. Walsh: Mr. Archer.

### GROVER TAYLOR ARCHER

a witness called by and on behalf of the National Labor Re- [1773] lations Board, being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh): Will you state your name, please?      A. Grover Taylor Archer.

Q. Where do you live, Mr. Archer?

A. Here in town.

Q. In Corcoran?      A. Yes, sir.

Q. What is your business or occupation?

A. Farming; cattle and sheep, warehouse, trucks; numerous things of that kind.

Q. Do you operate a farm yourself?

A. Yes, sir.

Q. How many acres do you operate?

A. In all about 2500, I guess.

Q. And what are the products that you raise?

A. All kinds of farm products that we grow here, and some pasture land.

(Testimony of Grover Taylor Archer.)

Q. Including cotton? A. Yes.

Q. Hay and grain? A. Yes.

Q. Directing your attention to the 30th day of January, 1939, which has been identified as the day upon which several of the [1774] pickets were asked to leave the Boswell gin, were you present at the Boswell gin that morning? A. I was.

Q. Will you tell the Examiner just what you saw and that you heard there?

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial, hearsay as to the Respondents in this proceeding.

Trial Examiner Lindsay: He may answer.

Q. (By Mr. Walsh): I ask you, first, are you a member of the Associated Farmers of Kings County? A. Yes.

Q. Now, will you answer my previous question, please?

A. May I have the question again, please?

Mr. Walsh: Would you read it, please, Mr. Reporter?

(The pending question was read by the reporter, as set forth above.)

The Witness: Well, I drove out there and parked near the scale house. The picket car was near the scale house there, probably 30 or 40 feet from it, and there was quite a crowd there. I wasn't very near the picket car, probably—right near the scale house. There was a crowd between the scale house and the picket car. I wasn't—I don't believe

(Testimony of Grover Taylor Archer.)

over 25 or 30 feet from the picket car. That was the closest you could get there handy. [1775]

Q. (By Mr. Walsh): Did you hear anyone say anything there at that time?

A. No, I did not.

Q. Did you recognize any of the people you saw there?

Mr. Clark: Same objection, Mr. Examiner.

May I ask that it run to this entire line of testimony?

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Yes. He may answer.

The Witness: Well, I think I remember Salyer there and another man, I think if I remember right, stood near me nearby the scale. Mr. George Cutter stood there when I was there. I think that is about all I remember at this time.

Q. (By Mr. Walsh): Had you been to the Salyer ranch that morning? A. I had.

Q. How did you get notice—was there a group of people out there? A. There were.

Q. How did you get notice that there was going to be a meeting out there?

A. Well, it was—I picked it up down town, somebody talking about it and asked me if I was going out there, and I went, but I didn't know what I was going for when I went out there. There was going to be a meeting there.

Q. Did you hear any talk out there? [1776]

A. No. I got there just a minute or two before

(Testimony of Grover Taylor Archer.)

the crowd was leaving, and I didn't hear anything there only that they were going to Boswell's from there, and that is where we went. [1777]

Q. Did you know what they were going for, what purpose they were going down to Boswell's?

A. Well, there was something said about getting rid of the pickets, but I don't know whether it was an attempt to get rid of them or get rid of them. I couldn't say.

Q. Now, did you attend the meeting at the Salyer ranch that night?           A. Yes.

Q. Attend the barbecue?           A. Yes.

Q. Quite a substantial crowd there?

A. Yes, sir.

Q. Did they have speakers?

A. I believe they did, yes.

Q. Do you know the names of the people who spoke?

A. I was interested in the barbecue and feed more than anything else. We were busy in the kitchen.

Q. You were helping prepare the food and things of that kind?           A. Yes.

Q. How did you get notice that there was going to be a barbecue?

A. I couldn't tell you now. I don't remember. The fact is, there is very few barbecues here in this community, of any size, speaking, that I usually don't help on.

Q. You usually help on all barbecues? [1778]

(Testimony of Grover Taylor Archer.)

A. Yes.

Mr. Walsh: That is all.

Trial Examiner Lindsay: May I ask one question?

Mr. Clark: Yes, indeed.

Trial Examiner Lindsay: Or two.

Q. Did you talk with Mr. Cutter that day?

A. I believe I did. He was right there near me.

Q. How long have you known Mr. Cutter?

A. For a long time; twenty years.

Q. Were you and he by yourself off from the rest of them?

A. Not far away, just near them there.

Q. Were you right up close to some of the crowd?

A. Well yes, probably eight or ten feet away. I believe the conversation—he came there, seemed like not knowing what it was all about or anything. I believe he asked me what was going on there. He just came there apparently not knowing what was going on.

Q. Does he know you, who you are?

A. Mr. Cutter?

Q. Yes. A. Yes.

Q. How long have you known Mr. Cutter?

A. Twenty years.

Q. Had dealings with him?

A. Yes. [1779]

Q. Have you been friendly all that twenty years? A. Yes.

(Testimony of Grover Taylor Archer.)

Trial Examiner Lindsay: That is all.

### Cross Examination

Q. (By Mr. Clark): Mr. Archer, will you please tell us whether or not you went to the Boswell plant on the morning of January 30 of this year as the result of any direction to you by the Associated Farmers of Kings County?

A. I did not.

Q. Did you go to the Boswell plant on that occasion as a result of any suggestion or invitation to you from the Associated Farmers of Kings County?

A. I did not.

Mr. Clark: That is all.

Mr. Walsh: Mr. Examiner, might I renew my direct examination? I have a series of questions that I forgot to ask Mr. Archer?

Trial Examiner Lindsay: Yes.

### Redirect Examination

Q. (By Mr. Walsh): Mr. Archer, I will read over a list of names and I will ask you to tell me if you remember having seen any of these men at the Boswell plant or gin on January 30, 1939.

Roland Bailey? If you didn't see them just tell me no, and if you did, just tell me yes. [1780]

A. What is the name?

Q. Roland Bailey.

A. I don't believe I know him.

Q. Mose Bailey? A. I never saw him.

Q. I believe you told us about George Cutter.

A. Yes.



(Testimony of Grover Taylor Archer.)

Q. Roy Filcher? A. No.

Q. Ralph Gilkey? A. No.

Q. Ralph Gilkey? A. No.

Q. Raymond Gilkey? A. No.

Q. Walter Grisham?

A. (Pause) I don't know him by that name.

Q. Well, do you recognize that man by some other name?

A. No; probably by sight I might know him.

Q. I thought maybe he might have a nickname.

A. No.

Q. Louie Hanson?

A. No, I didn't see Louie.

Q. Phil Hanson? A. No. [1781]

Q. J. W. Hubbard?

A. No, I don't believe I did.

Q. Slim Jones? A. No.

Q. Lloyd Liggett you have already told us about?

A. I don't believe I did, but I can say now that I saw him there.

Q. I am sorry. I thought you said you had seen him.

Q. Joe Mackey? A. No.

Q. Ralph Marshall? A. No.

Q. Forrest Riley?

A. I believe that I saw Forrest there, yes.

Q. E. C. Salyer?

A. I have already stated I saw him.

Q. Yes, you did.

Garland Salyer?

(Testimony of Grover Taylor Archer.)

A. I don't remember seeing him.

Q. Was Everett Salyer there?

A. Don't remember.

Q. Glen Sego?

A. I don't remember seeing him there.

Q. Ronald Squire?           A. No. [1782]

Q. William Turner?

A. No, I don't believe I did.

Q. Robert Wilbur?

A. If that is his name, yes.

Q. There has been some talk about Robert Wilbur and Bill Wilbur.

A. Well, I don't know the difference between them. I know one Wilbur. I am pretty sure he was there, but I don't know which one it was.

Q. Was there a Bill Willoughby there?

A. No.

Q. You did not see him?           A. No.

Q. Brice Sherman?

A. No, I never saw Brice there.

Q. Russell Slaybough?           A. No.

Q. Now, is there anyone else there that you haven't named that you can think of now?

A. I couldn't. I don't think of anyone that I know of that I haven't mentioned.

Q. Now, may I direct your attention again to the meeting out at the farm, the Salyer ranch, before you came down. Do you know who it was that determined that they would all go down, or announced that they would all go down and see the [1783] pickets?           A. No.

(Testimony of Grover Taylor Archer.)

Mr. Clark: Objected to—what is the answer?

Mr. Walsh: The answer is “No.”

Trial Examiner Lindsay: Do you want the objection now?

Mr. Clark: No. I withdraw the objection.

Q. (By Mr. Walsh): Do you know whether any spokesman for your group was decided upon?

Mr. Clark: Just a minute. I object to that on the ground it is assuming something not in evidence, that there is any “your group” at all.

Mr. Walsh: I will amend it.

Q. Was there any spokesman decided upon for the group that were there?

A. No, I don't believe there were. I was just there a little bit before the crowd left, just got in there.

Mr. Walsh: That is all.

Mr. Clark: No further questions.

Trial Examiner Lindsay: I have just one.

When I was asking you those questions about your conversation with Mr. Cutter, I was referring to the morning of January 30, 1939, down at the Boswell plant.

The Witness: That is right.

Trial Examiner Lindsay: You understood me?

The Witness: Yes. [1784]

Trial Examiner Lindsay: That is all.

Mr. Walsh: Thank you, Mr. Archer. You may be excused.

(Witness excused.) [1785]

Mr. Walsh: Raymond Gilkey.

### RAYMOND GILKEY

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh): Will you state your name, please? A. Gilkey; Raymond Gilkey.

Q. Where do you live, Mr. Gilkey?

A. Corcoran.

Q. What is your business or occupation?

A. Farming.

Q. Are you a member of the Associated Farmers? A. Yes, sir.

Q. Of Kings County? A. I am.

Q. Directing your attention to January 30th, 1939, which has been identified as the date upon which some of the pickets were asked to leave the Boswell gin, were you present at the Boswell gin that morning?

A. I went down there that morning, yes.

Q. Had you been at the Sayler ranch previous to that? A. No, I was not.

Q. How did you happen to get notice of the gathering at the Boswell gin? [1786]

Mr. Clark: Objected to as incompetent, irrelevant and immaterial, hearsay as to the Respondents, and may that objection run to this entire line of testimony?

(Testimony of Raymond Gilkey.)

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Yes. He may answer.

The Witness: I don't remember now, just heard about the crowd being down there and went down.

Q. (By Mr. Walsh): You had been up in town in Corcoran, had you, when you received that message?

A. I think so, yes.

Q. Do you recall who told you?

A. No, sir, I do not.

Q. Do you recall about what time it was that you arrived down at the Boswell gin?

A. I think it was about noon.

Q. Was there a crowd of people down there?

A. Quite a crowd down there, yes, sir.

Q. What is your estimate of the size of the crowd?

A. Oh, I don't know; probably between 40 and 60 of them.

Q. Were the pickets who were being asked to leave still there when you arrived?

A. They were just leaving when I got there.

Q. Did you see more than one automobile with pickets in it, or were there two?

A. Just the one. [1787]

Q. Did you hear any conversation there?

A. No.

Q. Hear any talking? A. No.

Q. Did you stop and inquire of any person in the gathering what was going on? A. No.

Q. Did you recognize anyone there?

(Testimony of Raymond Gilkey.)

A. Just a few that I knew there.

Mr. Clark: May I hear the last answer there, Mr. Examiner?

Trial Examiner Lindsay: Yes. Read the answer. I didn't hear it either.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh): Will you tell us who you recognized at the gathering?

A. Well, I saw Mr. Salyer there and Ben Wilbur.

Mr. Clark: Bob Wilbur?

The Witness: I think it was Bob Wilbur, and well—I don't know. There were quite a bunch of them there.

Q. (By Mr. Walsh): I will read a list of names and ask you whether or not you saw any of these people at the Boswell gin on January 30th, 1939, and if you did not see them there, just say that you didn't see them.

A. Yes. [1788]

Q. Roland Bailey?

A. No, I didn't see him.

Q. Roy Filcher?

A. I don't remember him.

Q. Ralph Gilkey?

A. No, I didn't see him.

Q. He is your brother, is he not?

A. That is right.

Q. Walter Grisham?

A. No.

Q. Phil Hanson?



(Testimony of Raymond Gilkey.)

A. No, I didn't see him either.

Q. J. W. Hubbard? A. No.

Q. Slim Jones? A. No.

Q. Lloyd Liggett?

A. I don't remember of him.

Q. Joe Mackey?

A. I don't remember seeing him, either.

Q. Ralph Marshall?

A. I did see him there.

Q. Forrest Riley? A. I saw him there.

Q. Garland Salyer? [1789]

A. Who?

Q. Garland Salyer? A. That is the boy?

Q. I believe it is the brother, the brother of  
E. C. A. No, I didn't see him there.

Trial Examiner Lindsay: Pardon me. Off the  
record. Off the record a moment.

(Discussion outside the record.)

Q. (By Mr. Walsh) Did you see Everett Salyer there? A. No.

Q. Glen Sego? A. No, I don't know him.

Q. Ronald Squire?

A. No, I didn't see him there.

Q. William Turner?

A. No, I didn't see him either.

Q. Robert Wilbur?

A. I think he was there.

Q. Brice Sherman?

A. I do not remember of him.

Q. Russel Slaybough?

(Testimony of Raymond Gilkey.)

A. I don't remember seeing him there.

Q. Did you go to the barbecue that was held that night at the Salyer ranch?

A. Yes, I was. [1790]

Q. How did you get notice of the barbecue?

A. I don't remember now,—I don't know how I got word of that.

Mr. Clark: I think the witness said he went over there anyway.

Trial Examiner Lindsay: Is that right?

The Witness: That is right.

Q. (By Mr. Walsh) Were there speakers there that night? A. Oh, yes.

Q. At a meeting after the dinner, is that correct? A. Yes.

Q. How large a crowd was there?

A. Well, I don't know. I imagine a hundred or 150.

Q. Are you a member of the City Council of Corcoran? A. Yes, sir.

Q. Did the gathering of the people down at the Boswell plant take place within the city?

Mr. Clark: I object to that on the ground it is incompetent, irrelevant and immaterial. Certainly the City of Corcoran isn't a respondent here. What culpability can there be established by that, Mr. Examiner?

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

Trial Examiner Lindsay: Read the question.

(Testimony of Raymond Gilkey.)

(The question referred to was read by the reporter, as [1791] set forth above.)

The Witness: I do not remember anything about that.

Q. (By Mr. Walsh) Is the Corcoran—strike that.

Is the Boswell plant within the city limits of Corcoran? A. Part of it is.

Mr. Clark: The same objection to that question, Mr. Examiner.

Trial Examiner Lindsay: Well——

Mr. Clark (Interrupting): I move to strike it on the same ground.

Trial Examiner Lindsay: All right. It may remain.

Mr. Walsh: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Gilkey, do you happen to know where your brother Ralph was on this day?

A. No, I don't know. I don't know anything about it.

Q. You didn't see him down at the plant?

A. I didn't see him down at the plant.

Q. What is that?

A. I didn't see him there.

Q. Now, you weren't a member of the Associated Farmers on January 30th of this year, were you? A. No, I was not.

(Testimony of Raymond Gilkey.)

Q. Do you remember about when it was that you joined?

A. It was some time in February. I don't remember. [1792]

Q. Do you know a man by the name of Roland Bailey? A. (Pause)

Q. The name Roland Bailey was mentioned to you or given to you by Mr. Walsh. Do you know any person of that name? A. No, I don't.

Mr. Clark: That is all.

Trial Examiner Lindsay: That is all.

Mr. Walsh: May I ask the witness one more question? You don't need to take the stand.

Did you have any cotton in the warehouse down there at that time?

The Witness: No.

(Witness excused.)

Mr. Walsh: Walter Grisham.

Mr. Clark: May it be understood, Mr. Examiner, if I said simply "Associated Farmers" in that question, it can be taken to mean Associated Farmers of Kings County?

Trial Examiner Lindsay: Oh, yes.

Mr. Walsh: Oh, yes, I will stipulate to that.

Mr. Clark: In other words, the respondent to this proceeding.

Mr. Walsh: That is right.

Trial Examiner Lindsay: Yes. [1793]

WALTER EDWARD GRISHAM

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Walsh) Will you state your name, please? A. Walter Edward Grisham.

Q. Where do you live, Mr. Grisham?

A. Out at Dallas District.

Mr. Clark: In Kings County?

The Witness: Yes.

Q. (By Mr. Walsh) That is not in the City of Corcoran? A. No.

Q. What is your business or occupation?

A. Farming.

Q. Were you on January 30, 1939, a member of the Associated Farmers of Kings County?

A. Yes, sir.

Q. Directing your attention to January 30, which has been the day identified as the day the pickets were asked to leave the Boswell plant, I will ask you whether or not you attended a meeting at the Salyer ranch in the morning.

A. I was down there.

Q. Were there a number of other people there?

A. Yes, sir. [1794]

Q. About how many?

A. Oh, possibly 75 or 100.

Q. How did you get notice the meeting was to be held?

(Testimony of Walter Edward Grisham.)

Mr. Clark: May my objection that it is incompetent, irrelevant and immaterial and hearsay be likewise deemed to run to the entire testimony of this witness?

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Yes, and he may answer.

The Witness: What was the question?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: Mr. Bob Wilbur asked me to come down.

Q. (By Mr. Walsh) Do you know—did Mr. Wilbur tell you why the meeting was to be held?

A. No, sir.

Q. Did you—can you tell us about what time you arrived there, Mr. Grisham?

A. No, I can't. It was some time in the morning. It was—the meeting down there was practically over with when I got down there.

Q. Do you recall who you saw there on that morning?

A. Well, I saw Bob Wilbur, Mr. Salyer, Bill Wilbur.

Q. Did you talk with them there?

A. No, I didn't talk with anyone. [1795]

Q. Did you hear any conversation there at all, or any talking there?

A. Well, Mr. Wilbur was talking when I got



(Testimony of Walter Edward Grisham.)

there, but it was over with about the time I got there.

Q. Was he making a talk to the group generally? I mean, in the nature of making a speech?

A. Well, something to that effect, yes.

Q. Which Wilbur was that, Mr. Grisham?

A. Bob Wilbur.

Q. Do you recall what Mr. Bob Wilbur said?

A. No, I don't.

Q. In general? I don't ask you to repeat his words.

A. Well, it was to the effect that—inviting the pickets to leave. We didn't feel like that was the right thing to do.

Q. I didn't quite understand that answer, Mr. Grisham.

Mr. Clark: May we have it read back?

Trial Examiner Lindsay: Yes, read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) I don't quite understand what you mean by "We didn't feel that that was the right thing to do."

What wasn't the right thing to do, Mr. Grisham?

A. We didn't feel they had done right at all.

Q. You are referring to the pickets, is that it? [1796]

A. Yes.

Q. Did anyone state, or—strike that.

What was said with reference to leaving the Salyer ranch and going down to the gin, the Boswell gin, if anything?

(Testimony of Walter Edward Grisham.)

A. I don't recall anything being said.

Q. Did anyone act as the leader of the group?

A. Well, I think that probably Bob Wilbur and Bob Liggett were more or less the leaders.

Q. Yes.

Now, how did you get from the Salyer ranch down to the Boswell gin?

A. In my automobile.

Q. Did you take anybody with you?

A. I didn't.

Mr. Clark: May I have that answer?

Trial Examiner Lindsay: Yes.

The Witness: I didn't.

Q. (By Mr. Walsh) Will you tell us now what occurred when you arrived down at the Boswell Gin?

A. Well, the cars gathered around there and they asked the pickets to leave.

Q. Do you recall what words anyone used or just what was said or who said it?

A. Well, not exactly, no. It was to the effect that they [1797] didn't feel that they ought to be there.

Q. Did you hear anyone tell them to get out of the San Joaquin Valley?      A. I did not.

Q. Now, did the pickets leave?      A. They did.

Q. You remained there until after the pickets had driven away, is that right?      A. Yes, sir.

Q. Did you see more than one car of pickets?

A. Yes, sir.

Q. Did you recognize any of the boys that were engaging in picketing?      A. One.

(Testimony of Walter Edward Grisham.)

Q. Which one did you recognize?

A. Steve Griffin.

Q. Did you talk to him?

A. I did not.

Q. Did you see the second car drive up?

A. I did.

Q. Did you recognize any of the boys in that car?  
A. No, I don't know them.

Q. You didn't know them? A. No.

Q. Did you see anybody open the door on the second car? [1798] A. I didn't.

Q. I will read a list of names, Mr. Grisham, and ask you whether or not you saw any of these people at the Boswell gin on January 30, 1939.

Roland Bailey?

A. I don't know him.

Q. Do you know a Mose Bailey? A. No.

Q. Roy Filcher? A. I did not see him.

Q. Ralph Gilkey? A. No.

Q. Phil Hanson?

Mr. Clark: May I have the answer, please?

Trial Examiner Lindsay: Yes.

Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Mr. Clark: The answer is no?

The Witness: No.

Q. (By Mr. Walsh) Phil Hanson?

A. No.

Q. J. W. Hubbard? A. No.

(Testimony of Walter Edward Grisham.)

Q. Slim Jones? [1799]

A. I don't know him.

Q. Lloyd Liggett? A. Yes.

Q. Joe Mackey? A. No.

Q. Ralph Marshall? A. No.

Q. Garland Salyer? A. No.

Q. Glen Sego?

A. Well, there was a Sego there. I don't know if his name was Glen. They call him "Doc."

Q. "Doc." You don't know if that would be the same man you saw or not?

A. I do not know.

Q. Ronald Squire? A. I do not know.

Q. William Turner? A. No.

Q. Brice Sherman? A. No.

Q. Russel Slaybough? A. No.

Q. Clifford Hammond? A. No. [1800]

Q. Do you farm your own farm, Mr. Grisham?

A. No, sir.

Q. For whom do you farm?

A. Mr. Boswell.

Q. You run one of Mr. Boswell's farms?

A. By contract.

Q. Contract? A. Yes. [1801]

Q. What do you mean by contract? Is that leasing his land? A. No, sir.

Q. Will you explain it to me, please? I don't know. A. He pays me so much an acre.

Q. To farm the land?

A. To farm the ground.

(Testimony of Walter Edward Grisham.)

Q. How long have you been farming it for him?

A. '36, just four years.

Q. Four years? A. Yes.

Q. How much land does that involve?

A. About 1300 acres.

Q. You said Mr. Boswell. Which Mr. Boswell? William or J. G.? A. Mr. J. G.

Q. Do the—well, under this system of contracting, Mr. Grisham, does Mr. Boswell own the crop?

A. Yes, sir.

Q. I see.

Can you recall what Bob Wilbur said to you at the time he told you there was going to be a meeting at the Salyer ranch?

A. He didn't tell me there was going to be a meeting. He said, "Come down."

Q. To the Salyer ranch? A. Yes. [1802]

Q. Did he state that other people were going to be there? A. He didn't.

Q. Did you attend the barbecue that night at the Salyer ranch? A. Yes, sir.

Q. How did you find out there was going to be a barbecue?

A. Well, I really don't know. I didn't know about it until that day. I think somewhere in town I heard about it.

Q. Do you recall who told you?

A. No, I don't.

Q. Did they have speakers there that night?

A. Yes, they did.

Q. Do you recall who the speakers were?

(Testimony of Walter Edward Grisham.)

A. I believe there was a Mr. Martin—I wouldn't say positively that is his name, some speaker they had.

Q. A gentleman by the name of Martin, you believe?  
A. I believe that was his name.

Mr. Walsh: You may inquire.

Cross Examination

Q. (By Mr. Clark) Mr. Grisham, do you know Russel Slaybough?  
A. Yes, sir.

Q. How long have you known him?

A. Since '37.

Q. I see.

And have you had occasion to see him from time to time? [1803]  
A. Yes, sir.

Q. Was he there at the Boswell plant, so far as you saw, on this morning of January 30th?

A. No, sir.

Q. Now, do you know Brice Sherman?

A. Yes, sir.

Q. And are you likewise well acquainted with Brice Sherman?  
A. Yes, sir.

Q. Did you see Brice Sherman there that morning?  
A. No, sir.

Q. Do you know Joe Mackey?  
A. Yes, sir.

Q. And how well acquainted are you with Joe Mackey?  
A. I know him pretty well.

Q. I see.

In other words, you wouldn't make any mistake so far as identifying him, would you?

A. I don't think so.



(Testimony of Walter Edward Grisham.)

Q. Did you see Joe Mackey there that morning?

A. I didn't.

Q. Now, do you know Everett—is the first name Everett?

Mr. Painter: Yes.

Q. (By Mr. Clark) Do you know Everett Salyer? A. Yes, sir.

Q. That is E. C. Salyer's son? [1804]

A. Yes.

Q. Did you see him there that morning?

A. I didn't.

Q. And you would know him if you saw him, wouldn't you? A. Yes, sir.

Q. Do you know Ralph Gilkey?

A. Yes, sir.

Q. And how well do you know Ralph Gilkey?

A. Well, not as well as I do the other fellows.

Q. Are you sure you would identify him if you saw him? A. Yes, sir.

Q. Did you see him there that morning?

A. No, sir.

Mr. Clark: That is all.

Trial Examiner Lindsay: You are all through with this witness, I take it?

Mr. Clark: We are, yes.

Mr. Walsh: Yes, he may be excused.

Trial Examiner Lindsay: Is he excused from the hearing?

Mr. Clark: So far as I am concerned.

Mr. Walsh: So far as I am concerned.

(Testimony of Walter Edward Grisham.)

Trial Examiner Lindsay: You are excused, then, Mr. Grisham.

(Witness excused.)

Mr. Walsh: Mr. Hubbard. [1805]

# JAMES W. HUBBARD

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

## Direct Examination

Q. (By Mr. Walsh) Will you state your name, please?      A. James W. Hubbard.

Q. And what is your business or occupation?

A. I work for Mr. Boswell as a farmer.

Trial Examiner Lindsay: Pardon me. I didn't get the name.

The Reporter: James W. Hubbard.

Q. (By Mr. Walsh) In what capacity do you work for Mr. Boswell?

A. Farmer. I look after the farms.

Q. You are the man that looks after all of Mr. Boswell's farms in this region?

A. The Boswell Company farms, not Mr. Boswell personally.

Q. I see.

Are you a member of the Associated Farmers of Kings County, Inc.?      A. Yes.

Q. And were you on January 30th?

(Testimony of James W. Hubbard.)

A. Yes.

Q. Directing your attention to January 30th, 1939, which has [1806] been identified as the day the pickets were asked to leave the Boswell gin, did you attend a meeting at Mr. Salyer's farm or ranch that morning?

A. I did not.

Q. Were you one of a number of people who were at the Boswell gin later,—or in the morning of that day?

A. I was there working.

Q. In the Boswell plant?

A. In the office.

Q. In the office?

A. Yes.

Q. Did you see this group of people gathered?

A. I saw them while they were there, just a short time before they left, through the window from the office.

Q. Did you leave the office?

A. No, I did not.

Q. Did you—you did not go out and mingle with the group, is that right?

A. I did not leave the building.

Q. Did you see what was happening out there in the street?

A. Just as I looked out the window the picket car was driving away.

Q. Had you seen the group of people in their automobile drive up to the picket car?

A. I didn't see them arrive, no, sir. I was working. I heard [1807] a noise, and I looked out the window to see what it was about. I saw the picket car was just driving away.

(Testimony of James W. Hubbard.)

Q. Did you see more than one car containing pickets?      A. I did not.

Q. Did you recognize any of the people who were out there in the road?

A. I couldn't say definitely any particular person was there. There was quite a group, and I was looking to see what was going on, and wasn't particularly interested in who was there.

Q. Yes.

How far is it from the window through which you were looking to the point where the picket car was located?      A. I judge two hundred feet.

Q. How did you recognize the picket car driving away?

A. Well, the car that was parked beside the post drove away, and that is the car that usually held the pickets.

Q. Had you seen it there from time to time before that?      A. Yes.

Q. Did you attend a barbecue held at Mr. Salyer's ranch that night?

Mr. Clark: Objected to upon the ground it is incompetent, irrelevant and immaterial, and may that and also the hearsay objection be deemed to run to this entire line of testimony?

Mr. Walsh: So stipulated. [1808]

Trial Examiner Lindsay: Yes, he may answer.

Do you understand the question?

The Witness: No.

Trial Examiner Lindsay: Read the question.

(Testimony of James W. Hubbard.)

(The question referred to was read by the reporter, as set forth above.)

The Witness: I don't remember. I attended a barbecue at Mr. Salyer's one night. I don't remember what night it was. I don't believe it was the night of January 30th.

Q. (By Mr. Walsh) You mean it was——

A. (Interrupting): Sometime later, I believe.

Q. Sometime later?

A. I recall being at a barbecue at Salyer's.

Q. Well, was the barbecue that you attended held by the Associated Farmers?

A. Yes, I believe it was. There was quite a public gathering. In fact, they had some entertainment. Mrs. Hubbard played the piano.

Q. Can you tell us who any of the speakers were, Mr. Hubbard?

A. One person I remember definitely—I don't know his name—but he was a minister from somewhere over on the West side, I believe, Lindsay or Porterville. He was a Russian, and I remember his talk very definitely. It was a rather vivid discussion of the happenings in Russia when he left there during the Revolution. I remember that very definitely. [1809]

Mr. Walsh: I will stipulate, counsel, this is not the meeting of January 30th that he is testifying to, if you desire.

Mr. Clark: Very well. I will accept that stipulation.

(Testimony of James W. Hubbard.)

Was the Minister's name Penner?

The Witness: Penner. I am pretty sure that is the name.

Mr. Walsh: Excuse me just a moment.

(Conference between counsel.)

Q. (By Mr. Walsh) When you looked out the window from your office, did you notice anyone pushing the picket car?

A. I don't recall anyone pushing. I believe the car was in motion.

Q. When you first saw it?

A. About the time I first looked out. I wouldn't be sure, but I don't recall any pushing.

Q. Had you seen Lloyd Liggett that morning?

A. I don't recall seeing him definite. I see him every few days around the office. If I saw him, it was on official business, his company business.

Q. You are the person of the Company with whom Mr. Liggett deals, are you not?

A. Well, sometimes.

Q. I see.

A. Just for advice regarding farming is all.

Q. What is the character of the advice that Mr. Liggett seeks [1810] from you?

A. Not very much.

Q. When he does, what is the nature of the problem that he is bothered with?

A. He might ask me to look at his cotton to see if it needs irrigating, something like that.



(Testimony of James W. Hubbard.)

Q. Under the terms of the business relations between the Company and Mr. Liggett, is it your duty to go and give him that advice, or is that in the nature of a neighborly thing?

A. I do with all of the customers; I give my best advice.

Mr. Walsh: I see. You may examine.

Cross Examination

Q. (By Mr. Clark): Mr. Hubbard, as I understand it, you did not leave the office building at any time during this disturbance at the Boswell plant on the morning of January 30th?

A. That is right.

Q. And if Mr. Liggett talked with you earlier that morning, as I understand it, it would only be about some matter of farming advice, is that true?

A. That is right.

Q. Am I correct in stating that you are entirely positive that Mr. Liggett did not talk to you earlier that morning concerning this disturbance which later occurred?

A. Yes.

Q. That is, he did not talk to you? [1811]

A. He did not.

Mr. Clark: All right.

May I ask one further question on cross?

Mr. Walsh: Yes.

Q. (By Mr. Clark): Were there any other people looking through the window with you from the office, at the time you did that on that morning?

(Testimony of James W. Hubbard.)

A. Mr. Case was there. I know I talked to Mr. Case. [1812]

Q. Who was he?

A. He is the engineer that works for the company. Also it was at his desk where I was standing, the table where he works.

Q. You were standing at the desk?

A. At his drawing table.

Q. Was anyone else standing at that window inside the building with you? A. Yes.

Q. Who?

A. I don't recall definitely. There was one or two of the other employees?

Q. Other office employees?

A. Other office employees, yes.

Mr. Clark: That is all.

Trial Examiner Lindsay: Any other questions?

Mr. Walsh: That is all the questions I have of this witness. However, we will want to recall him on another phase of the case when we get to it, so I would appreciate it if the court would have him remain available. It may be several days before we reach him, and I mean I don't mean that he should not go about his duties, but just not leave the district until the hearing is closed.

Trial Examiner Lindsay: Yes. You are under orders of the court until released subject to further call, and I suggest that you give this gentleman plenty of time to get in. [1813]

Mr. Walsh: Yes. We will try and arrange it as conveniently as possible.

(Testimony of James W. Hubbard.)

Q. (By Trial Examiner Lindsay): I don't quite understand what your duties are over there.

A. For the Boswell Company?

Q. Yes.

A. Well, they run, operate several ranches, and I furnish advice you might say, as to how to operate these ranches, how to plow and till and how to irrigate and so forth.

Q. You do that for Mr. Boswell personally?

A. No, for the J. G. Boswell Company.

Q. For the J. G. Boswell Company?

A. Yes.

Q. It is entirely up to you to handle that matter?

A. No. I have the approval on anything I do, but I make suggestions and usually they are approved.

Q. Have you ever made directions to anyone as to irrigating without talking to Mr. Boswell about it?

A. Oh, I do just a normal operation, I tell the foreman the cotton needs irrigating. That is generally understood that I would have that authority.

Trial Examiner Lindsay: Will you read that last answer, please?

(The record referred to was read by the reporter, as set forth above.) [1814]

Trial Examiner Lindsay: The word "foreman" should be "farmer" shouldn't it?

(Testimony of James W. Hubbard.)

The Witness: We have what we call foremen on the ranches.

Q. (By Trial Examiner Lindsay) You tell these foremen what to do? A. Yes.

Q. And the foreman carries that out?

A. Yes.

Q. Who does the foreman work for?

A. He works for Boswell Company, J. G. Boswell Company.

Q. So, in fact, you are over the foreman, is that right?

A. I advise the foreman how to operate the ranches, yes.

Q. He is supposed to carry out your orders?

A. Yes.

Q. Does he carry out your orders?

A. Yes.

Q. How long have you been doing that for Boswell Company?

A. Since January 1, 1937.

Trial Examiner Lindsay: That is all.

Mr. Walsh: Just a minute. One more question.

### Redirect Examination

Q. (By Mr. Walsh) Is Mr. Grisham one of the persons to whom you normally give orders about farm management? A. Yes.

Q. Would you name the other foremen? How many are there? [1815]

A. Burt Lowry, and Curtiss, H. A. Curtiss at

(Testimony of James W. Hubbard.)

the present time. There are only two foremen under contract.

Q. I see. Would that apply—I mean, would your duties require you to give orders to men like Mr. Liggett if they had a contract with you to run one of your farms?

Mr. Clark: I object to that on the ground it is purely hypothetical and assumes something not in evidence, namely that Mr. Liggett has a contract to run one of the farms. That is not in the testimony.

Trial Examiner Lindsay: Sustained.

Mr. Walsh: That is all.

#### Recross Examination

Q. (By Mr. Clark) Mr. Hubbard, I think you called Mr. Grisham a contractor?

A. Yes.

Q. Is that right? A. Yes.

Q. So, if I understand you correctly, at the present time, or rather at the time we are interested in here, the early part of this year, you had the one contractor and two foremen, is that right?

A. That is right.

Mr. Clark: Very well. That is all.

Trial Examiner Lindsay: Who is the other foreman, farm foreman? [1816]

The Witness: Burt Lowry and Henry Curtiss.

Mr. Clark: Lowry and Curtiss. That is all from us, Mr. Examiner.

#### Redirect Examination

Q. (By Mr. Walsh) Mr. Hubbard, how much

(Testimony of James W. Hubbard.)

notice would be convenient for you when we need your testimony further?

A. Well, I am out in the field quite a bit, just a matter of getting hold of me. You might not be able to get a hold of me for a half a day or a day.

Q. If we leave a call at the Boswell Company in the evening that we need you at noon the next day or 2:00 o'clock, would that be enough time for you?

A. I would say, ordinarily, that it would.

Trial Examiner Lindsay: And if there is any question about it and you don't happen to get the notice just at that time, why I will immediately forgive you for it.

The Witness: Thank you.

(Witness excused.)

Trial Examiner Lindsay: We will have a ten-minute recess.

(At this point a short recess was taken, after which proceedings were resumed as follows:)

Trial Examiner Lindsay: Hearing called to order. [1817]

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L. E. ELY,

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:



(Testimony of L. E. Ely.)

Mr. Mouritsen: Mr. Examiner, I should like to recall this witness for just one or two questions. It is on a matter I forgot to examine him on in his testimony when he was testifying regarding the Associated Farmers. Now I realize, of course, that this comes squarely within the interdiction of the Trial Examiner's announcement at the beginning of the trial and I am recalling him merely for a point that I forgot to question him about, about a matter he has already testified to.

Mr. Clark: There wouldn't be any point in recalling him then, would there?

Mr. Mouritsen: I mean, it is regarding a point regarding this picketing incident we did not cover.

Mr. Clark: I see. I thought you said something about which he had already testified.

Mr. Mouritsen: No.

Trial Examiner Lindsay: Any objections?

Mr. Clark: No, we have no objections, Mr. Examiner.

Trial Examiner Lindsay: In any event, you may examine him. [1818]

### Direct Examination

Q. (By Mr. Mouritsen) Now, directing your attention, Mr. Ely, to this morning of January 30th, which has been identified as the morning on which the pickets, including yourself, were requested to leave the Boswell plant, I will ask you if prior to the time when the crowd assembled at the Boswell plant you saw anyone go into the Boswell office?

(Testimony of L. E. Ely.)

Mr. Clark: Well, Mr. Examiner, may I ask that the foundation be laid, that is, to where Mr. Ely was and——

Trial Examiner Lindsay (Interrupting): Yes.

Mr. Clark (Continuing): ——and the time of day and who was with him and so forth?

Q. (By Mr. Mouritsen) As I understand it, you have already testified that you were at the Boswell plant on the morning on which the pickets were requested to leave. Is that correct?

A. Yes.

Q. And was anyone else with you at that time?

A. Yes.

Q. Who else?

A. Steve Griffin.

Q. And were you sitting in an automobile at that time, you and Mr. Griffin? A. Yes.

Q. Now, just shortly prior to the time when the crowd as- [1819] sembled on that morning, did you see anyone enter the office of the Boswell Company?

Mr. Clark: May I have the time fixed, please, the time of day fixed as nearly as it can be.

Trial Examiner Lindsay: Yes.

Mr. Mouritsen: As I recall, Mr. Examiner, the testimony is that the pickets were requested to leave, or the crowd gathered at or about 10:00 o'clock in the morning.

Trial Examiner Lindsay: Yes.

Q. (By Mr. Mouritsen) Now, before 10:00

(Testimony of L. E. Ely.)

o'clock in the morning, or before the crowd gathered, did you see anyone enter the office of the Boswell Company?       A. I did.

Q. And who did you see enter the office of the Boswell Company at that time?

Mr. Clark: Just a minute. I object to this as incompetent, irrelevant and immaterial, not binding on any of the respondents, and ask that that objection run to this entire line of testimony.

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Yes. He may answer.

Mr. Clark: Very well.

The Witness: I saw Lloyd Liggett.

Q. (By Mr. Mouritsen) And can you fix the time, approximately how long before the crowd gathered did you see Mr. Liggett [1820] go into the office?

A. 9:45, to be exactly correct.

Q. In other words, approximately 15 minutes before the crowd gathered, is that correct?

A. Yes.

Q. And did you, after that time, see Mr. Lloyd Liggett leave the office of the Boswell plant?

A. I did.

Q. Approximately how long did he remain in the office of the Boswell Company at that time?

A. He was in there about five minutes.

Mr. Mouritsen: Nothing further.

Mr. Clark: No further questions.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Walsh: Mr. Phillip Hanson.

PHILLIP HANSON,

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Walsh) Will you state your full name, please?

A. Phillip Hanson.

Q. Where do you live, Mr. Hanson? [1821]

A. Five miles south of Corcoran.

Q. What is your occupation?

A. I am a farm foreman.

Q. And for whom do you work?

A. My father.

Q. Your father's name is what?

A. Jess Hanson.

Q. Are you a member of the Associated Farmers of Kings County, Inc.?      A. I am.

Q. Were you a member——

Mr. Clark (Interrupting): May I have the last answer?

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: Talk right up.

Q. (By Mr. Walsh) Were you a member on the 30th of January, 1939?      A. I was.

Q. Directing your attention to the 30th of January, which has been identified as the day the pick-

(Testimony of Phillip Hanson.)

ets were requested to leave the Boswell plant, I will ask you whether or not you attended a meeting at the Salyer ranch on the morning of that day.

A. I did.

Q. How did you receive notice of the meeting, Mr. Hanson?

A. I heard something about it, some men talking down around [1822] the Brunswick Pool Hall. They went out and I went on.

Q. Did you go out by yourself?

A. No. Red Henecke went out with me.

Q. How is that name spelled?

A. I couludn't tell you.

Q. Is this man a friend of yours? A. Yes.

Q. Did you drive out in your car or his?

A. My car.

Q. Did the person who told you about this meeting tell you why the meeting was being held?

A. No, he did not. [1823]

Q. Do you recall the name of the person who told you there was to be a meeting?

A. There were three or four people talking. I don't remember who they were.

Q. What time of day did you get to the Salyer ranch?

A. It was sometime in the morning. I don't remember at all the time it was.

Q. Now, this talk you had at the pool hall occurred before you went to Salyer's, did it not?

(Testimony of Phillip Hanson.)

A. Yes.

Q. Did you—how many people were at the Sal-  
yer ranch at that meeting?

Mr. Clark: Objected to on the ground it is in-  
competent, irrelevant and immaterial, and may that  
objection and also the objection that any conversa-  
tions are hearsay as to these Respondents run to  
this entire line of testimony?

Mr. Walsh: It may be so stipulated.

Mr. Clark: Very well.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

(The question referred to was read by the re-  
porter, as set forth above.)

The Witness: I have no idea; fifty, maybe.

Q. (By Mr. Walsh) Were there any speeches  
made there while you were there? [1824]

A. Well, everybody was talking. I don't know  
whether there was any different speeches or not. I  
do not know.

Q. Who did you see there that morning?

A. Clarence Salyer was there. I think Lloyd  
Liggett was there.

Q. Do you remember anyone else?

A. I don't renall. There was quite a few people  
around and everybody talking. I don't remember  
anybody else.

Q. What were they talking about?

A. Well, before—just before they started down  
to the gin, they were just generalities. And then



(Testimony of Phillip Hanson.)

they said they would go down and see if they couldn't get these boys to leave, these pickets.

Q. Do you recall anyone that made that remark?

A. No, I don't, different persons. No definite person.

Q. Did you leave the Salyer ranch and drive to the Boswell gin? A. I did.

Q. Did quite a crowd of people collect around the picket car there? A. Yes, they did.

Q. About how many, in your opinion?

A. I wouldn't know. Maybe seventy-five. There was a few more than there were out at the ranch. They saw the cars and collected around. [1825]

Q. Did you know the people that were there?

A. Some of them.

Q. Will you tell us who you saw there?

A. Oh, I couldn't recollect. I think Clarence.

Q. Referring to Mr. E. C. Salyer?

A. Yes; and Bob Wilbur, and Lloyd Liggett; and I don't know—Heneckie, the boy that went out with me.

Q. Did you know the boys who were in the picket car?

A. The only one I knew was Steve Griffin.

Q. Did you hear anything said at that time, at the time the people were all around there?

A. I heard different ones ask them to leave.

Q. Could you tell us who asked them to leave?

A. I don't remember who it was, no.

Q. Did you get out of your car after you got

(Testimony of Phillip Hanson.)

down to the gin?           A. I did.

Q. Did you circulate among the crowd?

A. No, we stood on the edge of the crowd. I didn't go close to the car.

Q. Did you see the second car drive up?

A. Yes.

Q. Did you know any of the boys in the second car?           A. No.

Mr. Clark: May I have the answer, please?

Mr. Walsh: You will have to speak up. [1826]

The Witness: Pardon me.

No, I didn't.

Q. (By Mr. Walsh) Did you see the crowd gathered around the second car?

A. I think maybe if I recollect right, there was three or four fellows went over to them, and they drove away.

Q. Now, did you attend the barbecue that was held at the Salyer ranch that night?

A. I did.

Q. About how many were there?

A. There were quite a few more than there were that morning. I imagine a hundred or so; maybe more.

Q. Were you a foreman at this time, Mr. Hanson?           A. I was.

Q. How did you happen to be in town that morning?

A. Oh, I went to town every morning.

Q. Oh, did you get any special permission to

(Testimony of Phillip Hanson.)

take the time off to go to the city?

A. I don't really have to get special permission to take time off.

Mr. Walsh: You may inquire.

Cross Examination

Q. (By Mr. Clark) Mr. Hanson, I will ask you to tell us whether or not your going to the Boswell plant on this morning of January 30th, 1939, was the result of any direction to you [1827] from the Associated Farmers of Kings County?

A. Not at all.

Q. Was it the result of any suggestion or invitation to you by the Associated Farmers of Kings County? A. No.

Mr. Clark: That is all.

Mr. Walsh: No further questions.

Trial Examiner Lindsay: That is all.

Mr. Walsh: This witness may be excused as far as I am concerned.

Mr. Clark: Very well. We have no further questions.

Trial Examiner Lindsay: Then you are entirely excused, Mr. Hanson.

(Witness excused.)

Mr. Walsh: Mr. Joe Mackey.

Joe Mackey?

(No response.)

Trial Examiner Lindsay: Is Mr. Mackey in the room?

(No response.)

Mr. Clark: Was he subpoenaed?

Trial Examiner Lindsay: I don't know.

Mr. Walsh: He hasn't been served with a subpoena, but we intend to serve a subpoena on him. If he was available, we thought we would use him now.

Now, as a matter of fact, we have run out of witnesses [1828] now. I understood Mr. Mackey was here in the court room. If he is here, we would take his testimony.

Mr. Clark: Is he here? I don't know.

Trial Examiner Lindsay: I don't know.

Mr. Walsh: Is Mr. Brice Sherman here?

(No response.)

Mr. Walsh: I understood that both Mr. Brice Sherman and Mr. Mackey were here. I don't know; if he was I would take the testimony now.

Mr. Clark: I think your understanding is the same as your clients'.

Mr. Walsh: I don't know.

Trial Examiner Lindsay: I don't know. If they are here, let them get up.

Mr. Clark: If there is anybody here that you want to call ultimately, you might call them and we will see.

Trial Examiner Lindsay: I would suggest that you get out your subpoenas and subpoena them, and let us not have this argument.

Mr. Walsh: That is all the witnesses we have here this afternoon, if your Honor please.

Trial Examiner Lindsay: All right. We will take our adjournment until 9:30 tomorrow morning.

(Whereupon, at 3:45 o'clock p. m., June 5, 1939, the hearing was adjourned to 9:30 o'clock a. m., Tuesday, June 6, 1939.) [1829]

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American Legion Hall  
Corcoran, California  
Tuesday, June 5, 1939.  
9:30 o'clock a. m. [1830]

### PROCEEDINGS

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready.

Mr. Walsh: The Board is ready.

Mr. Ralph Gilkey.

Mr. Clark: Now, Mr. Examiner, I will repeat my general objection—pardon me.

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### RALPH GILKEY,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Mr. Clark: Now, Mr. Examiner, I will repeat my general objection to the reception of any evidence in support of the purported charge against

(Testimony of Ralph Gilkey.)

the Associated Farmers of Kings County, Inc., and the complaint issued against that organization, upon the ground that there has been no showing in this record of any jurisdiction in the Board over that organization, or its activities; furthermore, that there has been no showing that the Associated Farmers of Kings County is an employer within the meaning of the Act.

I will ask that that general objection run to all of today's testimony which may be adduced purportedly in support of the Board's case in that respect.

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Did I understand you to say you [1832] stipulated to that?

Mr. Walsh: I will stipulate with Mr. Clark that that objection may run to the entire line of testimony of this witness, and others testifying similarly.

Mr. Clark: That is, all witnesses produced today on that phase of the case?

Mr. Walsh: That is my understanding.

Mr. Clark: Yes.

Trial Examiner Lindsay: You may proceed.

#### Direct Examination

Q. (By Mr. Walsh) Will you state your name?

A. Ralph Gilkey.

Q. Where do you live, Mr. Gilkey?

A. Here in Corcoran.



(Testimony of Ralph Gilkey.)

Q. What is your business or occupation?

A. Farming.

Q. Are you a member of the Associated Farmers of Kings County, Inc.?

A. Yes.

Q. Were you a member on the 30th of January, 1939?

A. I am quite sure I was.

Q. Directing your attention to the 30th of January, 1939, which has been identified as the day on which certain pickets were requested to leave the Boswell gin, I will ask you whether or not you attended a meeting at the Salyer ranch on that morning? [1833]

Mr. Clark: Just one minute, please, Mr. Gilkey:

To which I object, Mr. Examiner, on the ground it is incompetent, irrelevant and immaterial, and hearsay as to these Respondents, no authority having been shown in the witness to do any acts on behalf of any of the Respondents on that day, or at the gathering concerning which the testimony is being elicited.

I will ask that that objection run to this entire line, the testimony of this witness.

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: Well, for a point of information, off the record.

(Discussion outside the record.)

Trial Examiner Lindsay: All right. Proceed.

(Testimony of Ralph Gilkey.)

He may answer the question. Read the question, please.

(The record referred to was read by the reporter, as set forth above.)

The Witness: No, I did not.

Q. (By Mr. Walsh) Were you present during the morning at the Boswell gin when a group of people collected there and requested the pickets to leave?      A. I was not.

Q. Do you recall having heard that there was going to be a meeting at Mr. Salyer's ranch?

A. No, sir. [1834]

Q. Did you know of the gathering that was going to take place down at the Boswell gin?

A. I did not.

Q. Were you in the City of Corcoran on that day?      A. No, I wasn't.

Q. Do you recall where you were?

A. San Francisco.

Q. You were?

When did you return from San Francisco?

A. On the night of the 30th, I think it was, on that Streamliner. [1835]

Q. Then had you left the City of Corcoran to go to San Francisco?

A. I left on—the day before. It would be on the 29th.

Q. What day of the week was that? Do you recall?      A. It was Sunday, wasn't it?

(Testimony of Ralph Gilkey.)

Mr. Clark: Let the record show the witness is now looking at a calendar.

Mr. Walsh: I have no objection.

Trial Examiner Lindsay: Well, the fact is, he isn't looking at a calendar yet.

Mr. Clark: I understand that. He is now looking at one, after having made the statement, "It was a Sunday, wasn't it?"

The Witness: It is on a Sunday.

Q. (By Mr. Walsh) Are you referring to a diary or daybook, Mr. Gilkey?

A. A diary.

Q. Do you have any objections to reading the notation that you are now referring to?

A. None at all.

Q. Would you read it for us, please?

A. On what day do you want?

Q. Sunday.           A. All right.

I will read the whole thing.

Q. Just pertaining to leaving the city. I have no desire [1836] to——

A. (Interrupting): "My wife and I went to San Francisco on the Streamliner."

Q. Leaving at what time, the Streamliner?

A. I didn't put the hour here but it was, I think, about 11:00 o'clock we left Hanford.

"Donald got a great kick out of the trip and having dinner in the diner. It was raining in San Francisco so we stopped at the Keystone Hotel close to the depot"—and go on here—"Went to the show."

(Testimony of Ralph Gilkey.)

Mr. Clark: That is what date, please?

The Witness: January 29th, Sunday; January 29th.

Q. (By Mr. Walsh) Does your diary contain an entry for the 30th? A. It does.

Q. Would you read that portion of it which relates to arriving in Corcoran?

A. I don't know as I have that much of it here. I have here:

"We met some of our friends up there from Corcoran and we had dinner at Lucca's." That was about 1:30 or 2:00 o'clock.

"We got back to the depot at 4:00 o'clock and took the bus across the bay. The Nichols came home with us." That was some of our friends—"On the train." [1837]

That is all I have excepting I mention here there was a tragedy on the Tulare Lake that day. Two men were drowned.

That is all I have.

Mr. Clark: What date, please?

The Witness: January 30th, Monday. [1838]

Q. (By Mr. Walsh) These notations in your diary were made by you about the days that they occurred?

A. Oh, yes, oh, yes. I have kept a diary for the last five years.

Q. What time does that train arrive in Hanford—it comes through Hanford, doesn't it?

A. Yes. I think it is around 9:00, somewhere around 9:00 o'clock.

(Testimony of Ralph Gilkey.)

Q. In the evening? A. In the evening.

Q. And I presume you left your car in Hanford, and then drove back here? A. We did.

Mr. Walsh: That is all.

Mr. Clark: No questions.

Trial Examiner Lindsay: That is all.

Mr. Walsh: This witness may be excused as far as we are concerned.

(Witness excused.)

Mr. Walsh: Mr. Brice Sherman.

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### BRICE SHERMAN

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows: [1839]

#### Direct Examination

Q. (By Mr. Walsh) Will you state your full name, please? A. Brice Sherman.

Q. And where do you live? A. Corcoran.

Q. What is your business or occupation?

A. Farming.

Q. How long have you lived here?

A. Since December, 1935.

Q. Are you a member of the Associated Farmers of Kings County, Inc.?

A. I don't know. I gave—I signed an application, but I have not received a card yet.

Q. Do you recall when you signed it, Mr. Sherman? A. About the 7th of February.

(Testimony of Brice Sherman.)

Mr. Clark: What year, please?

Q. (By Mr. Walsh) 1939?

A. Yes, sir.

Q. Now, directing your attention to the 30th of January, which has been the day identified here as the day on which certain pickets were asked to leave the Boswell gin, were you in Corcoran on that day?

A. Not until about 2:30 in the afternoon.

Q. Did you attend a meeting at Mr. Salyer's ranch in the morning of that day? [1840]

Mr. Clark: Now, I am going to object to this, may it please the Examiner, on the ground it is incompetent, irrelevant and immaterial, and hearsay as to the Respondents, and ask that that objection be deemed to run to all of this witness's testimony.

Mr. Walsh: So stipulated.

Mr. Clark: Very well.

Trial Examiner Lindsay: He may answer.

The Witness: What was the question?

Mr. Walsh: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: No, sir.

Q. (By Mr. Walsh) Where were you on that part of the day preceding 2:00 o'clock in the afternoon, I believe you said you got back to Corcoran?

A. At that time I was employed by the J. H.



(Testimony of Brice Sherman.)

Degnan Implement Company in Hanford, and I went to Hanford on that morning.

Q. You drove to Hanford from here?

A. Yes, sir.

Q. What time did you leave Corcoran?

A. I presume around 7:30, because I was supposed to be to work at 8:00 o'clock.

Mr. Clark: That was in the morning? [1841]

The Witness: Yes, sir.

Q. (By Mr. Walsh) How far from here to Hanford? A. About twenty miles.

Q. Do you usually go to work every morning at Hanford?

A. Generally—especially on Monday mornings we are supposed to check in there. I was working in the country, and we are supposed to check in on Monday, on that morning.

Q. For a sales meeting, or something of that nature? A. Yes, sir.

Q. And the balance of the week you worked your territory calling on customers that you might sell implements to, is that right?

A. Yes, sir.

Q. Now, did you return to—did you return from Hanford to Corcoran about 2:00 o'clock in the afternoon?

A. I had lunch in Hanford and had a little business at Armona, and then came back down to Corcoran.

Q. Who did you see in Armona?

(Testimony of Brice Sherman.)

A. I had—I can't recall his name—I had to see a Greek farmer about four miles South of Armona I had sold a tractor to.

Q. You proceeded directly from Hanford to Armona?

A. Yes; this farmer's place South of Armona, yes, sir.

Q. And talked with this customer and then proceeded on to Corcoran, is that correct? [1842]

A. Yes, sir.

Q. Did you stop and see anyone else on the way from Hanford to Corcoran?

A. As I came to the highway where the road—the County road intersects the highway at Guernsey, I saw Russel Slaybough and Mrs. Slaybough and George Bell sitting in the car. And I stopped to talk to them a few minutes.

Q. What was the conversation about, if you recall?

A. I had heard at Hanford that there had been some excitement here in Corcoran, and I stopped to ask Russel what was going on down here.

And he said, "What are you talking about?"

He didn't know any more about it than I did.

And he said, "Let's go down and see."

We didn't go together. We went into town here and was asking questions about what had happened. [1843]

Q. Did you find out what had happened?

A. Different parties told us that they had moved

(Testimony of Brice Sherman.)

the pickets out, which I had heard in Hanford before I came down.

Q. Did you attend a meeting at a barbecue at Mr. Salyer's ranch on that night?

A. Yes, sir.

Q. Were there—was there a large crowd there?

A. Quite a number of farmers; yes, sir.

Q. About how many?

A. Oh, I judge possibly a hundred or more.

Q. How long did the meeting last, the barbecue and the gathering?

A. I didn't get there until the barbecue was practically over with, and I presume the meeting was over with by 10:30.

Q. Now, directing your attention again to the morning of the 30th of January, will you tell us just what you did after you arrived in Hanford?

A. I talked to the owner of the business, Mr. Degnan, and Mr. Guy Hammond, who is another salesman, and they were—while we were there some fellows came in from the country who were interested in different things and I didn't get away from the office until around noon. I had lunch and by that time I had heard about this disturbance here.

Q. I see.

A. It just so happened some customers came in and we didn't [1844] get to the country early that morning.

(Testimony of Brice Sherman.)

Q. How did you happen to hear—when did you hear of the disturbance? When was the first notice you had of it?

A. As I recall—I don't know his name—a fellow that solicits ads for the Hanford paper, and he comes into our place of business quite often. He came in. He knew I lived in Corcoran and he said something, kidded me about what kind of a town it was, that they tried to tear it up or something. I said, "What is going on?"

He told me he had heard this. That is the first I heard of it.

Q. Now, do you recall what time that was, Mr. Sherman?

A. It was along toward lunch time because I thought—well, I would go—it was close to lunch time and I thought I would come down here, but we decided to have lunch and call on this party on the way down.

Q. Do you know a man by the name of Steve Griffin?

A. Yes, sir.

Q. How long have you known him?

A. Since I have been in Corcoran.

Q. I have forgotten how long that was.

A. Since the fall of '35.

Q. Approximately four years?

A. Yes, sir.

Q. Do you know him very well? [1845]

A. He has baled hay at times for me, for people that I was working for.

(Testimony of Brice Sherman.)

Q. Did you ever have any business dealings with him yourself, sell him any farm implements or anything like that?      A. No, sir.

Q. Did you ever call on him for the purpose of making a sale?      A. No, sir.

Q. Talk sale with him?      A. No, sir.

Q. Do you know the Ely boys, Elgin Ely and Boyd Ely?

A. By sight only until I seen them here.

Q. I see. Until this trial started you——

A. (Interrupting: I didn't know their names. I knew them when I saw them.

Q. Just knew they were Ely boys?

A. Not Ely boys, just characters, fellows on the street, fellows I seen down here. I did not know they were Elys until I see them here.

Mr. Walsh: That is all. You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Sherman, I understand that you were not at the Boswell plant here in Corcoran on the morning of January 30, 1939?

A. No, sir. [1846]

Q. Who, if anyone, accompanied you to Hanford on the morning of that day?

A. My son.

Q. And how old is he, please?

A. Nineteen.

Q. And what is his name?

A. Jack Raymond Sherman.

Mr. Clark: That is all.

(Testimony of Brice Sherman.)

Mr. Walsh: That is all. This witness may be excused.

(Witness excused.)

Mr. Walsh: Mr. William Turner. (No response.)

Trial Examiner Lindsay: Mr. Turner? (No response.)

Has he been subpoenaed?

Mr. Walsh: Yes.

Mr. Robert Wilbur.

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### ROBERT WILBUR

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

#### Direct Examination

Q. (By Mr. Walsh) Will you state your full name, please?

A. R. W. Wilbur; Robert W. Wilbur.

Q. Where do you live?

A. I live in Corcoran. [1847]

Q. What is your business or occupation?

A. I am a farmer.

Q. On your own account?      A. Yes.

Q. Where is your farm located, Mr. Wilbur?

A. Oh, I farm one that belongs to my mother in Tulare County and do a little farming in Kern County along with Mr. Gilkey.



(Testimony of Robert Wilbur.)

Q. Which Mr. Gilkey?

A. Mr. Ralph Gilkey.

Q. Mr. Ralph Gilkey.

Are you a member of the Associated Farmers of Kings County?      A. No, sir.

Q. Never made application for membership?

A. No, sir.

Q. Are you a member of the Associated Farmers of Tulare County?      A. No, sir.

Q. Are you a member of the Associated Farmers of Kings County?      A. No, sir.

Q. I mean Kern County.      A. No, sir.

Q. Now, directing your attention to the 30th day of January, 1939, which is the day that has been identified as the day that [1848] some of the pickets were requested to leave the Boswell gin, I will ask you if you attended a meeting at Mr. Salyer's ranch on that morning.

Mr. Clark: Just a moment. I want to object to that on the ground it is incompetent, irrelevant and immaterial; and hearsay as to these respondents, and ask that that objection be deemed to run to this witness' entire testimony.

Mr. Walsh: So stipulated.

Trial Examiner Lindsay: He may answer.

The Witness: May I hear the question again?

(The record referred to was read by the reporter, as set forth above.)

The Witness: Yes, I was there.

(Testimony of Robert Wilbur.)

Q. (By Mr. Walsh) What time did the meeting start, did you know?

A. Oh, I don't remember. I think it was around some place between 8:00 and 10:00 o'clock.

Q. How did you know a meeting was to be held out there?      A. I heard it.

Q. Do you recall who told you, Mr. Wilbur?

A. No. Everybody was talking about it.

Q. Did you know before you arrived there why the meeting was being held?

A. I had an idea why.

Q. What was your idea? [1849]

A. A bunch of the fellows around here in town, everybody in town, thought that things, some things were going on, which shouldn't be, and they decided to do something about it. That is my understanding of the meeting.

Q. Now, what were the things that were going on, Mr. Wilbur, that these fellows thought something ought to be done about?

A. Well, I think I refer, or was referring to the presence of the pickets.

Q. At the Boswell gin?      A. That is right.

Q. Now, at that time, Mr. Wilbur, did you have any cotton in the gin?

A. I don't know. I have had cotton there. My mother has had cotton there for the last two or three years, at one time or another. I don't know whether I had any cotton there or not.

Q. Do you recall—when you say your mother has, you mean that is the family?

(Testimony of Robert Wilbur.)

A. The family.

Q. I see. That would include your own, or your interest in the family? A. Yes.

Q. The family's business?

A. Including my interest in the family's business.

Q. Now, you had sold your crop, had your crop in the gin this [1850] last season at Boswell's, is that right?

A. I don't know what she did with it, whether she sold it all or put some in the Government program, or just what she did with it. Our cotton was ginned there.

Q. I see.

Now, what happened, or what was done at the Salyer ranch that morning? Were speeches made or——

A. (Interrupting): No, no speeches that I can remember of.

Q. Just a general talk, something like that?

A. Just talked the thing over was all. Announcement was made as to what was to be done, and that is all there was to it.

Q. Do you recall who made the announcement?

A. Yes, sir.

Q. Who made it? A. I made it.

Q. Do you remember what you said?

A. No, not exactly. We didn't think much about it.

Q. Tell us—I don't expect you to remember the exact words——

(Testimony of Robert Wilbur.)

A. (Interrupting): It was to the effect that there were pickets down there interfering with the shipping, the transportation of the cotton which was in the yard, and that I thought—it was the opinion of the group that was there that it would be a good idea to ask those boys to leave so that they would no longer interfere with the shipping of the cotton. [1851]

Q. Yes.

A. It was made plain that was the only reason anyone was going down there. We didn't care whether there was one or ten that went down; didn't make any difference. That was the object of the meeting.

Q. There was no pre-arrangement as to how many people would go down, is that right?

A. Not as far as I know.

Q. Was any one appointed as spokesman for the group?

A. Not that I know of.

Q. At the time that the group—whoever went—would arrive there?

A. You mean at the time they arrived at the gin?

Q. Yes.

A. Yes. I think that more or less I was appointed to that. I wasn't appointed by any certain party, just a group of people there.

Q. Was anyone to act on that committee with you?      A. Not——

(Testimony of Robert Wilbur.)

Mr. Clark (Interrupting): I object to that on the ground it assumes something not in evidence, that there was a committee appointed.

Mr. Walsh: I will withdraw that question, Mr. Clark.

Mr. Clark: All right. [1852]

Q. (By Mr. Walsh): Was anyone suggested to assist you or be with you when you acted as spokesman for the group?

A. I don't remember whether there was or not.

Q. Can you—will you tell us the names of the people who were at the Salyer ranch, Salyer's ranch?

A. Well, there was lots of people there. I see them every day. I don't recall, as I recall, any particular party who was there.

Q. Were there farmers that you had known, I suppose, for some time?

A. Oh, sure, farmers from all over the district.

Q. Well, can you give us some of their names?

A. Yes. I think I remember seeing Mr. Salyer there. I don't know—just a bunch of them. I see them every day. I wouldn't think any more about seeing them there than I would down town.

Q. Now, will you tell us—had you taken anyone with you in your car?

A. No. I was alone.

Q. Did you take anybody from the Salyer ranch down to the gin?

A. No. I was alone coming back.



(Testimony of Robert Wilbur.)

Q. Will you tell us now what happened when the group arrived down at the Boswell gin?

A. Well, the group got there some time before I did, and all [1853] I can recall was the boys were told approximately just what I finished telling you, and they moved on. The group was disbanded, and that was the end of it.

Q. Now, can you give us the names of any of the persons whom you saw at the Boswell gin of the group that left Salyer's?

A. Well, I don't know. I would say the same group. I didn't pay any particular attention, didn't keep any record of it; didn't think there was anything to it.

Q. Now, do you recall—did you do the talking for the group when you got down to the Boswell gin?

A. Everybody was talking when I got down there.

Q. Had the group collected around the picket car by the time you parked your car and got over there?

A. Oh, yes.

Q. They had.

Do you recall anything that was said at that time?

A. No, not particularly. Some of the boys were talking to the pickets. I didn't pay much attention to it, what they said.

Q. Did the pickets then drive away?

A. Oh, in a few minutes, they drove away.



(Testimony of Robert Wilbur.)

Q. I will ask you whether or not you recall a second carload of men arriving who were men belonging to this same Union that the pickets did?  
[1854]

A. Yes. I think they did drive up just about the time that the car started away.

Q. Do you recall, or did you know the men that were in the picket car?

A. I knew one that was in the picket car standing there.

Q. Which one did you know? A. Steve.

Q. Steve Griffin? A. Yes.

Q. Did you know any of the boys in the second car?

A. Only by sight; didn't know their names.

Q. Have you since learned their names?

A. Well, I think the boy right back here, Ely, I think he is one of them.

Q. Mr. Wilbur, do you recall after the pickets were requested to leave, the Union leaders offering to withdraw this activity for the benefit of any farmer who had cotton in the Boswell gin?

Mr. Clark: Objected to upon the ground it is indefinite.

The Witness: You will have to ask that question——

Mr. Clark (Interrupting): It calls for a conclusion of the witness as to who the Union leaders were, and also there is no foundation laid.

Trial Examiner Lindsay: Sustained.

(Testimony of Robert Wilbur.)

Q. (By Mr. Walsh): Do you recall, Mr. Wilbur, of any announce- [1855] ment being made on behalf of the American Federation—strike that.

Mr. Wilbur, after the pickets were requested to leave, was there any announcement made by the American Federation of Labor Union that any farmer having cotton in the Boswell gin might call for it and get it?

Mr. Clark: I object to that upon the ground it is incompetent, irrelevant and immaterial, and also no proper foundation laid.

Trial Examiner Lindsay: He may answer.

The Witness: Where was this announcement supposed to be made?

Mr. Clark: That is the point of my objection, Mr. Examiner.

(Conference between counsel.)

Q. (By Mr. Walsh): I will ask you if such an announcement wasn't made in the Governor's office in Sacramento?

Mr. Clark: Objected to upon the ground no foundation has been laid, and also it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: Now, will you ask those two questions again so I can hear them together?

Mr. Walsh: If the reporter will read both questions, please.

(The record referred to was read by the reporter, as [1856] set forth above.)

(Testimony of Robert Wilbur.)

The Witness: If there was such an announcement made, that is only part of it.

Q. (By Mr. Walsh): Will you tell us the whole thing?

A. I didn't keep a record of that meeting in the Governor's office. There were three or four reporters there, and I think there is an exact copy of that, and I wouldn't care to testify on it until I saw the copy of the minutes held there.

Trial Examiner Lindsay: Can you give us your recollection as to what it was?

The Witness: Well, that was some time ago.

Trial Examiner Lindsay: Was that an important matter in your affairs at that time?

The Witness: I didn't deem it important.

Q. (By Mr. Walsh): You didn't have any cotton there then at that time?

A. I don't know if I had cotton there or not.

[1857]

Q. Were you present at a meeting in Hanford some time following the meeting in the Governor's office?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: When was this meeting?

Q. (By Mr. Walsh): On February 7, 1939, held in the civic auditorium at Hanford at 7:30 in the evening.

A. Yes, I was.

Q. Do you recall such an announcement being made at that meeting?

(Testimony of Robert Wilbur.)

A. No, I don't recall any announcement worded that way.

Q. Well, just give us your recollection of it. I don't expect you to remember the exact words.

A. There was an announcement of some kind provided that certain things could be done to designate the farmers' cotton, but it took in a lot of complications there that were never worked out.

Q. Well, the announcement was made in such a way to be sure that they identified the cotton that belonged to the individual farmers, **was it not?**

Mr. Clark: Objected to on the ground it is leading and suggestive, and improper direct examination, and immaterial to the respondents.

Trial Examiner Lindsay: May we have the question? [1858]

Mr. Clark: May I add to the objection, it is beyond any of the issues framed in these proceedings. It is after the last date which is counted on in this proceeding.

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may answer.

The Witness: I never would say on that. There are so many technicalities on it that there wasn't anything that could be worked out.

Q. (By Mr. Walsh): Do you know whether or not after these announcements were made that any effort was made to work out some system whereby the individual farmers could have their cotton released?

(Testimony of Robert Wilbur.)

Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial.

Trial Examiner Lindsay: He may answer.

The Witness: In the first place, that was a round table discussion——

Trial Examiner Lindsay (Interrupting): Just a minute. Listen to the question. Mr. Reporter, will you please read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: I do not know.

Q. (By Mr. Walsh): How many acres do you farm, Mr. Wilbur? [1859]

A. Oh, approximately 1200 acres of grain, 100 or 120 of cotton, and some alfalfa.

Q. How much alfalfa?

A. 60 or 80 acres.

Q. That includes the land that you work with Mr. Gilkey and also——

A. (Interrupting): No. I have about 1200 acres with Mr. Gilkey and the balance is on my mother's ranch.

Q. I don't understand.

A. The balance is on my mother's ranch.

Q. I think I am a little confused.

Was the first figure you gave, the 100 acres of grain and the 120 or 125 acres of cotton or alfalfa, does that relate to your mother's ranch?

A. Yes.

Q. And besides that you operate 1200 acres



(Testimony of Robert Wilbur.)

with Mr. Gilkey, do I understand? Is that correct?

A. You understand, I farm approximately that much cotton and alfalfa on my mother's ranch, and about 1200 acres with Mr. Gilkey in Tulare County.

Q. That is your entire operation?

A. Yes, sir.

Q. Now, directing your attention to the evening of January 30, 1939, did you attend a barbecue and a meeting at Mr. Salyer's ranch? [1860]

A. Yes, sir.

Q. How did you get notice that a barbecue was to be held?

A. Why, that was something else that we talked in town. Everybody talked about it. It was going to be a good feed and they just went out there.

Q. About how many people were there, Mr. Wilbur?

A. Anywhere from a hundred to two hundred.

Q. Were there speakers there that night?

A. There were several speakers there.

Q. Do you recall who the speaker was?

A. Yes, sir.

Q. Can you tell us his name?

A. Harry Martin.

Q. How long did the meeting last?

A. Oh, I would say until 10:00 or 10:30, something like that.



(Testimony of Robert Wilbur.)

Q. Do you know who the Mr. Martin is?

A. Yes, I know him.

Q. Who is he?

A. He is a businessman in Los Angeles.

Q. Do you recall how he happened to be here for the barbecue and the meeting?

A. He was invited.

Q. Do you know who invited him?

A. Not just offhand who gave him the invitation. [1861]

Q. Did you ever hear who had asked him to be there?

A. No, I think he was asked by a group; and I don't know who the group was. I wasn't in town while he was there.

Q. Had he been invited some days before?

A. I don't know when he was invited.

Q. Do you recall the subject of his speech?

A. Oh, yes.

Q. What, in general, was it?

A. Well, he just gave a good sound talk on Americanism and some of the problems we were up against, just a good constructive talk.

Q. Were there tickets sold to the barbecue?

A. No.

Q. Did you have anything to do with making the arrangement for the barbecue?

A. I was helping out. We had to get a tent up, and one thing and another. [1862]

Q. Where did the tent come from?

(Testimony of Robert Wilbur.)

A. I think it came out of Fresno.

Q. Do you recall who made the arrangements for the tent?

A. No, I don't know who made the arrangements.

Q. Do you recall whether or not there was any charge for the rent of the tent?

A. I don't know whether there was or not.

Q. Did you assist in putting the tent up?

A. I don't believe I was there when the tent was put up, although I was around there part of the day.

Q. After you left the Boswell gin, did you then go to Mr. Salyer's ranch and help make the arrangements for the barbecue?

A. No. I came down town and I went over to Tipton, I believe. I had an engine working over there, and came back to Corcoran some time later in the day.

Q. What did you have to do with putting up the tent?

A. Oh, I don't know as I had anything to do with it.

Q. How far is it from here to Fresno?

A. Oh, I think the road map will show you about sixty miles.

Q. Did someone from here send a truck over to Fresno to get the tent, or did it come out from there?

A. I had very little to do with that tent. I

(Testimony of Robert Wilbur.)

don't know how it got here, or who ordered it, or anything else about it. [1863]

Mr. Walsh: You may inquire.

Cross Examination

Q. (By Mr. Clark): Mr. Wilbur, you have never been a member of the Associated Farmers of Kings County, have you?      A. No, sir.

Q. Will you please tell us whether or not in going down to the Boswell plant on the morning of January 30th of this year that was the result of any direction to you from the Associated Farmers of Kings County?

A. As far as I know, there was no instructions given by any Associated Farmers group, and there was just as many farmers there as there were men that belonged to the Associated Farmers.

Q. All right.

Will you please tell us whether or not your going down to the plant of the Boswell Company that morning, namely, January 30th, was the result of any suggestion or invitation whatsoever from the Associated Farmers of Kings County?

A. There was no suggestion made that I know of.

Mr. Clark: That is all.

Trial Examiner Lindsay: Any other questions?

Mr. Walsh: May I have the witness's answer read to the—well, all of the questions Mr. Clark asked?

Trial Examiner Lindsay: Yes.

(Testimony of Robert Wilbur.)

(The record referred to was read by the reporter, as set forth above.) [1864]

Redirect Examination

Q. (By Mr. Walsh): Mr. Wilbur, didn't you tell me on your direct examination that you didn't recall who told you about going to the meeting, and going on down from the meeting down to the gin? I am referring to the meeting at Mr. Salyer's?

A. Yes, I think I did. You will have to check that back.

Q. That is your recollection?

A. Yes. I recollect that I didn't know.

Q. Well, how, then, are you positive that the invitation wasn't as a result of the Associated Farmers of Kings County?

Mr. Clark: Well, I object to that as argumentative, Mr. Examiner.

Trial Examiner Lindsay: He may answer.

The Witness: Will you ask that question again?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: To my knowledge the Associated Farmers have nothing to do with it.

Q. (By Mr. Walsh): Did you, at that time, know the names of the people who were members of the Associated Farmers of Kings County?

A. I knew some of them.

Q. And how do you know that there were just

(Testimony of Robert Wilbur.)

as many persons there not members of the Associated Farmers of Kings County as [1865] there were persons who were members?

Mr. Clark: Objected to as argumentative.

Trial Examiner Lindsay: He may answer.

The Witness: I will say I assumed. I didn't keep the count on them.

Q. (By Mr. Walsh): You want to amend your answer that you gave to Mr. Clark on that point?

A. I would say it is my opinion. Just add "my opinion," there.

Q. All right. Fine.

Now, how do you arrive at that opinion, Mr. Wilbur?

A. Well, the same way you would arrive at any opinion. That is your idea. That is your thought.

Q. Yes.

Do you recall who the persons were at the Salyer ranch who were not members of the Associated Farmers?

A. As I stated first, there was a large group there, men whom I see every day, and I don't remember the names of them.

Q. Well, what I am trying to get at is as to just how you arrive at the opinion that there were just as many people there who were not members of the Associated Farmers as there were members of the Associated Farmers?

Mr. Clark: Objected to on the ground it has been asked and answered; also, improper redirect examination.

(Testimony of Robert Wilbur.)

Trial Examiner Lindsay: He may answer.  
[1866]

The Witness: Will you ask the question again?

Trial Examiner Lindsay: Read the question.

(The question referred to was read by the reporter, as set forth above.)

The Witness: From a general observation it was my opinion that it was a mixed group.

Q. (By Mr. Walsh): Well, did you at that time know who were the members of the Associated Farmers of Kings County?

Mr. Clark: Objected to on the ground it has been asked and answered.

Trial Examiner Lindsay: He may answer.

The Witness: As I stated before, I knew some of the members. [1867]

Q. (By Mr. Walsh) Now, can you give us the names of any persons who were at the Boswell ranch—or the Salyer ranch on the morning of January 30th, who were members of the Associated Farmers of Kings County, Inc.?

A. I gave you the names of the persons I remembered out there.

Q. Do you have any recollection of any other persons that you haven't told us about?

A. I think that question was answered.

Trial Examiner Lindsay: Mr. Witness, will you please answer that question.

Read the question.



(Testimony of Robert Wilbur.)

(The question referred to was read by the reporter, as set forth above.)

The Witness: No.

Mr. Walsh: That is all.

Mr. Clark: No further questions.

Mr. Walsh: This witness may be excused, your Honor.

Trial Examiner Lindsay: Just a minute, Mr. Witness.

Q. What time in the morning of January 30th, if you know, did that tent get out there where you had the barbecue that night?

A. I do not know what time it got there.

Q. Well, were you out there during the afternoon of January 30th when the tent was being put up, if it was being put up, on that day? [1868]

A. If that is the day that the tent was put up, I was out there during the day.

Q. Now, do you know whether or not the tent was put up on the same day as this incident over at the Boswell plant?

A. Well, I judge it was. We had the meeting that night in the tent.

Q. Your judgment is that it was put up on the same day as the incident at the Boswell plant, is that right?

A. That is my opinion.

Q. And you were out there that day while the tent was being put up?

A. Part of the time.

Q. Did you know what the tent was being put up for?

(Testimony of Robert Wilbur.)

A. Yes, I will say I knew what it was being put up for.

Q. You knew as a matter of fact they were going to have that barbecue that night, did you not?

A. I knew they were making arrangements to have a dinner of some kind and have a meeting as I stated in the first part of the testimony.

Q. That same night?           A. Yes.

Q. Now, did you testify in your direct examination from questions asked you by Mr. Walsh that you heard about that barbecue in town, everybody was talking about it, and there was going to be a good feed out there, so you went out? [1869]

A. Yes.

Q. Now, did you mean by that, that was the way you heard about that barbecue going to be held that night?

A. I heard about the barbecue talking to other farmers and I think it was in town where I heard about it.

Q. But you already knew about it, didn't you?

A. No.

Mr. Clark: Objected to as argumentative, Mr. Examiner. May I have the ruling?

Trial Examiner Lindsay: Yes. He may answer.

The Witness: I was there in the afternoon.

Trial Examiner Lindsay: Will you read the question?

(The question referred to was read by the reporter, as set forth above.)

(Testimony of Robert Wilbur.)

The Witness: Will you read the question before that?

(The question referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: All I want to know, Mr. Witness, is this; to sum up in one question: Now, you did or did not know about that barbecue going to be held that night in the afternoon when you were out there when the tent was being put up?

The Witness: In my direct examination I think I answered that I heard it in town that morning.

Trial Examiner Lindsay: Well, all right. [1870]

Q. You knew, though, on the afternoon that the tent was being put up that they were going to have a barbecue that night?

A. I knew that in the morning when I heard it in town.

Q. You knew it when you went out there to put up the tent? A. I didn't put it up.

Q. I mean, when it was being put up?

A. Naturally, if I knew about it that morning.

Trial Examiner Lindsay: That is all.

Mr. Walsh: You may be excused.

The Witness: For good?

Mr. Walsh: Yes.

(Witness excused.)

Mr. Walsh: Mr. Ralph Marshall.

Or did you want to have a recess?

Trial Examiner Lindsay: Martin?

Mr. Walsh: Marshall.

Trial Examiner Lindsay: Mr. Marshall.

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RALPH MARSHALL

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Walsh) Will you state your name, please? A. Ralph Marshall. [1871]

Q. Where do you live, Mr. Marshall?

A. Corcoran.

Q. What is your business or occupation?

A. I work for Raymond Gilkey.

Mr. Clark: May I have that answer?

Trial Examiner Lindsay: Read the answer.

(The answer referred to was read by the reporter, as set forth above.)

Mr. Walsh: Mr. Examiner, I wonder if the witness might pull his chair out a little bit? He is back far enough so we get an echo.

Thank you.

Q. What do you do for Mr. Gilkey, Mr. Marshall? A. Bookkeeper.

Q. Are you a member of the Associated Farmers of Kings County, Inc.?

A. I have no card, no.

Q. Did you make an application to become a member?

(Testimony of Ralph Marshall.)

A. I think around February 15th.

Mr. Clark: Of what year?

The Witness: This year.

Q. (By Mr. Walsh) 1939? A. Yes.

Q. Now, directing your attention to January 30th, 1939, which has been identified as the day when some of the pickets [1872] were asked to leave the Boswell gin, I will ask you if you attended a meeting at Mr. Salyer's ranch on that morning?

A. I got there just as the crowd was leaving.

Q. Do you recall about what time it was, Mr. Marshall?

A. Sometime during the morning.

Q. How did you know that a meeting was being held out there?

A. I was out of town two days prior; happened to be in town that morning and saw a bunch of cars going down there, and I just drove down.

Q. Had you heard from anyone that a meeting was taking place out there? A. I did not.

Mr. Clark: May I have the answer just before this remark? I didn't quite get it, Mr. Examiner.

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) When you refer to "down there," do you mean referring to Mr. Salyer's ranch?

A. Yes, sir, I do. They were going that way.

(Testimony of Ralph Marshall.)

Q. When you arrived at Mr. Salyer's ranch, were there a number of people there?

A. I don't know how many. There were practically all of them in the cars at that time. I just stopped and turned around and followed. [1873]

Q. Did you get out of your car at Salyer's ranch? A. For a moment, yes.

Q. Did you talk to anyone there?

A. I can't recall whether I did or not. I didn't see anybody that I recall. I was out of my car, but I didn't stop to talk to anybody, I know, now.

Q. Had these cars that you noticed in town driving down toward Mr. Salyer's ranch, had they arrived there ahead of you?

Mr. Clark: Well, I object——

The Witness (Interrupting): They had——

Mr. Clark (Continuing): ——it calls for a conclusion of the witness whether these cars arrived there.

Trial Examiner Lindsay: If he knows, he may answer.

Q. (By Mr. Walsh) If he knows.

Mr. Clark: You mean at the Salyer ranch?

Mr. Walsh: Yes.

Q. That is what I had reference to.

A. Will you state the question again?

Mr. Walsh: May I withdraw that question and ask the witness another one?

Q. I believe you stated that you saw a number of cars driving toward the Salyer ranch, and you followed them.



(Testimony of Ralph Marshall.)

Now, did the cars you were following all go to the Salyer ranch? [1874]           A. No.

Q. They did not?

A. (Shaking head negatively.)

Mr. Clark: May I have the answer, please?

The Witness: No.

Mr. Clark: The reporter cannot get a shake of the head.

Trial Examiner Lindsay: He answered. He said they did not.

Mr. Clark: Not before I called his attention to the fact.

(The record referred to was read by the reporter, as set forth above.)

Q. (By Mr. Walsh) Well, Mr. Marshall, these cars, then, that you were following turned off at some place between the City and Mr. Salyer's ranch, didn't they?

A. Two of them did, and the other went to Mr. Salyer's ranch, but did not stop. He circled right around and came back with the crowd.

Q. Now, will you tell us what occurred when you arrived at the Boswelll gin?

A. Well, I was riding in a rather large truck that morning, and I had a little difficulty in parking, finding a parking space, so I didn't get there, up to where the picket car was, for some little time, and it was only a short while before they moved. [1875]

Q. Did they have any difficulty——

(Testimony of Ralph Marshall.)

A. (Interrupting) I did not get close to the car.

Q. Did you hear anything that was said?

A. No, I did not.

Q. Did the picket car have any difficulty in starting?

A. Well, I couldn't see. I was back too far.

Q. Would you give us your estimate of the size of the gathering there?

A. I never did estimate crowds.

Q. Did you hear anyone say how large the crowd was?

A. I heard somebody say about a hundred or so people down there.

Q. Were you there at the time the second carload of men came up, the car containing Union men?

A. I did not see it.

Q. You didn't see it?

Were you in position to recognize any of the pickets?

A. I knew Steve.

Q. You saw him?

A. I saw him in the car.

Mr. Clark: Mr. Walsh, may it be stipulated as to the competency of this testimony, and as to hearsay, that it runs to the entire testimony of this witness?

Mr. Walsh: So stipulated.

Q. How long did you remain there, Mr. Marshall? [1876]

A. As soon as the car left, I went to Stratford.

(Testimony of Ralph Marshall.)

Q. What is the balance of your answer?

A. I went to Stratford.

Q. To Stratford? A. Yes.

Q. Now, did you recognize any of the people who were there that morning? A. I do not.

Q. You did recognize Steve?

A. Yes. That was the only one that was mentioned here.

Q. Yes.

But you—did you recognize any of the persons who were requesting the pickets to move on?

A. Wasn't close enough to see who was doing any talking.

Q. Did you recognize any of the persons in the group, Mr. Marshall?

A. I don't recollect ever trying to remember their names. I remember——

Q. (Interrupting): Did you talk with any of the group there that morning?

A. Nobody but Mr. Gilkey.

Q. Now, that was Mr. Raymond Gilkey, was it not? A. Yes, sir.

Q. Now, how close did you ever get to the picket car, Mr. Marshall? [1877]

A. Oh, I guess about one hundred feet.

Q. There was quite a crowd of people between you and the car, was there not? A. Yes, sir.

Q. How tall are you, Mr. Marshall?

A. I think about five four to six.

Q. Did Mr. Steve Griffin get out of the picket car at all? A. I don't know.

(Testimony of Ralph Marshall.)

Q. Not while you saw him? A. No.

Q. You didn't see him get out?

A. I only saw Mr. Griffin as I drove around the picket car.

Q. In order to find a parking place for your truck, is that right? A. Absolutely.

Q. At the time you drove around the picket car, the men were already gathered around, is that right? A. Not yet.

Q. They hadn't yet?

A. (Nodding head negatively.)

Q. Did you see Mr. Griffin after you had parked your truck and came back there?

A. No, I didn't. [1878]

Q. You didn't see him? You weren't in a position to see into the car because of the people between you and the automobile, is that correct?

A. Right.

Q. Now, do you recall which way the picket car was facing?

A. I recall it was facing south and I was driving south.

Q. Now, did you pass the picket car on the right or the left side of the picket car?

A. I was out on the highway.

Q. You were on the highway, is that right?

A. Yes.

Q. As I understand it, the picket car was standing between the highway and the scales?

A. I don't know what you have reference to, the scales.

(Testimony of Ralph Marshall.)

Q. The scale house of the—that is right near the Boswell gin.

A. If that is what it is, that is where it was.

Q. Standing near a post there, wasn't it?

A. I don't recall.

Q. Now, which side of the car was Mr. Griffin seated on?

A. As I recall, he was on the right side.

Q. He was not behind the driver's seat?

A. Not when I went by.

Q. When you saw him?

A. Whether he changed his position, I do not know. [1879]

Mr. Walsh: You may inquire.

Mr. Clark: No questions.

Trial Examiner Lindsay: That is all.

Mr. Walsh: Just one minute. I might add another question.

(Conference between counsel.)

Mr. Walsh: No further questions. This witness may be excused as far as I am concerned.

Trial Examiner Lindsay: All right.

(Witness excused.)

Trial Examiner Lindsay: We will have a ten-minute recess.

(At this point a short recess was taken, after which proceedings were resumed, as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Walsh: Mr. Examiner, this will conclude, except for one witness I might have later in the day, this phase of the case and Mr. Mouritsen will now go into the A(2) part of the Board's case.

Mr. Clark: Mr. Examiner, may I ask the name of the witness who Mr. Walsh intends to call later in the day, because he may be in the court room and we may be able to conclude with him.

Trial Examiner Lindsay: That is a matter that is up to Mr. Walsh. [1880]

Mr. Walsh: No. As a matter of fact, I know he isn't here.

Mr. Clark: Have you any objection to stating who he is?

Mr. Walsh: I would prefer not.

Mr. Clark: Mr. Filcher is in the court room and I wondered whether that was who it was.

Mr. Walsh: No. I don't desire to use Mr. Filcher.

Mr. Clark: Very well.

Mr. Mouritsen: Eugene Clark Ely.

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### EUGENE CLARK ELY

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Mr. Clark: May I ask what this testimony is directed to?



(Testimony of Eugene Clark Ely.)

Mr. Mouritsen: This is directed, Mr. Clark, to the allegation of the complaint alleging that the Employees' Association is company dominated.

Mr. Clark: I see.

Mr. Mouritsen: As to the A(2) violation of the Act.

Direct Examination

Q. (By Mr. Mouritsen) You have previously been sworn, Mr. Ely, is that correct?

A. Yes.

Q. Mr. Ely——

Trial Examiner Lindsay (Interrupting): Do you have his [1881] first name?

The Reporter: Yes.

Q. (By Mr. Mouritsen) You are Eugene Clark Ely, is that correct? A. Yes, sir.

Q. Some times known as "Fat Boy" Ely, is that correct? A. That is right.

Q. Directing your attention to the date on or about November 18, 1938, which has been identified as the day upon which a number of the employees of the company were requested or did leave the plant of the J. G. Boswell Company, I will ask you if on or about that date you attended a meeting of the employees of the J. G. Boswell Company?

A. Yes; on November 18, 1938, about——

Q. (Interrupting): Where was the meeting of the employees held that you attended?

A. On the morning. It was 10:00 o'clock in the morning, one of the meetings.

Q. Now, after that 10:00 o'clock meeting did you attend any meeting of the employees?

(Testimony of Eugene Clark Ely.)

A. Yes.

Q. Where was this later meeting held?

A. In the office of J. G. Boswell Company.

Q. And approximately what time of day?

A. 7:00 o'clock in the afternoon. [1882]

Q. Now, other than yourself were there other employees of the J. G. Boswell Company present?

A. Yes, all but about one or two.

Q. And I believe you stated it was held in the company office, is that correct? A. Yes.

Q. That is in the company plant out here in Corcoran, is that right? A. That is right.

Q. Now, would you tell us what occurred at that meeting that was held at that time, that is, in the afternoon or evening?

Mr. Clark: Objected to as incompetent, irrelevant and immaterial; and hearsay as to the respondents, not binding upon them, no authority having been shown from any of the respondents to any of the persons present at that meeting to speak for them with regard to any matters under investigation in this proceeding.

Trial Examiner Lindsay: He may answer.

The Witness: Well, we was informed in the afternoon——

Mr. Mouritsen (Interrupting): By whom?

The Witness: Tommy Hammond was the one that told me.

Mr. Clark: May that objection run to this entire line of testimony, Mr. Mouritsen?

(Testimony of Eugene Clark Ely.)

Mr. Mouritsen: So stipulated. [1883]

Mr. Clark: Very well.

The Witness: That Oscar Busby and he, M. K. Robinson, known as "Yankee" Robinson, and Clyde Sitton, went to Lemoore and saw an attorney to see about organizing a company union. Mr. Busby, he acted as spokesman at the meeting and stated the attorney didn't see why a company union wouldn't work down here like they had elsewhere. They talked on about organizing the union of their own there in the company and they had a paper there that all the employees sign their names, just a blank sheet of paper.

Q. (By Mr. Mouritsen) Wasn't there any writing or any printed matter upon this sheet that was signed?

A. Not at this meeting.

Q. And did you sign the paper yourself?

A. I did.

Q. Now, did you see any of the men at that meeting who, prior to that time, had given you orders or directions regarding your work?

A. I did.

Q. Will you state the names of all such men whom you saw present on that occasion?

A. Tommy Hammond, Joe Hammond.

Q. Do you recall whether or not Bill Robinson was present?

A. He was.

Q. Do you recall whether or not you had been notified of [1884] this meeting prior to the time when it was held?

A. Yes.

(Testimony of Eugene Clark Ely.)

Q. Do you recall who, if anyone, notified you?

A. Jack Ely had told me first and then Tommy Hammond came around and told me.

Q. Now, do you recall anything further that happened at that first meeting?

A. No, they said something about there would be a meeting——

Mr. Clark (Interrupting): Just a minute. May I have it identified as best the witness can?

Trial Examiner Lindsay: Yes. [1885]

Q. (By Mr. Mouritsen) Can you tell us who said that? A. Oscar Busbee.

Q. What did he say?

A. He said we would have a meeting later on with that attorney there to discuss the matter.

Q. Who is Oscar Busbee?

A. He is a foreman in the machine shop.

Q. After that time, did you attend any further meetings of employees of the J. G. Boswell Company? A. I did.

Q. Where was the next meeting held that you attended? A. American Legion Hall.

Q. In this hall where we are now holding the hearing? A. Yes.

Q. And approximately how long after the first meeting was the second one held that you attended?

A. I would say about the first of December, somewhere along there.

Q. Now, were there a number of other employees of the Company present at this next meeting you attended?

(Testimony of Eugene Clark Ely.)

A. Yes, there was employees of the J. G. Boswell Company plant here in Corcoran and Tipton, California, also.

Q. Did you see anyone—strike that.

I will ask you if Tommy and Joe Hammond were present at this second meeting that you attended? [1886]

A. They was.

Q. Do you recall the names of any other employees who were present at that time?

A. Yes. Oscar Busbee and E. M. Robinson, Bill Robinson, Jack Owens, Don Mummer, Sam Robinson, and Mr. Brown.

Q. Do you know his first name or initials?

A. No. There are a number—all of the employees that worked down there, Jack Ely and Guy Poole.

Q. Approximately how many?

A. I would say about eighty.

Mr. Clark: How many?

The Witness: Eighty.

Q. (By Mr. Mouritsen) Were you present during the entire meeting from the time it took up until the meeting disbanded?

A. I was.

Q. Will you state what occurred during this second meeting?

Mr. Clark: This is subject to that same objection as hearsay and incompetent?

Mr. Mouritsen: Yes.

Trial Examiner Lindsay: He may answer.

The Witness: E. M. Robinson, Oscar Busbee—

(Testimony of Eugene Clark Ely.)

they were standing up at the desk, and I was sitting along where the table is.

Q. (By Mr. Mouritsen) (Interrupting) Indicating counsel table, is that right? [1887]

A. Yes.

And the attorney from Lemoore, he was present; and they talked about organizing the Company union. And the attorney made quite a long speech. I don't know exactly what all it was, but he said in forming a company union down there that he thought that the company union should get along better with the Company than the A. F. of L. or C. I. O.

Q. Was anything said at that second meeting regarding a constitution and by-laws?

A. Yes. I don't remember whether they was drawn—I don't think they was drawn up at this time.

Q. Do you recall what was said regarding a constitution and by-laws?

A. Well, to my best knowledge, the attorney said that there—it would be drawn up. And he had a sheet of paper up on the desk, and everybody was to go by and sign their name on the piece of paper.

The paper had "J. G. Boswell Company Employees' Association" on the top of the paper.

Q. Now, do you recall anything further that was done at this second meeting that you attended?

A. Well, this attorney said the employees was to elect the officers, and we could do that the next week if we didn't have time that night.



(Testimony of Eugene Clark Ely.)

Q. Do you recall how you received notice of this second meet- [1888] ing? A. Yes.

Q. Who, if anyone, notified you of the second meeting?

A. E. M. Robinson sent the card notifying me of the meeting, and Tommy Hammond came around the afternoon of the meeting and asked me was I going——

Q. (Interrupting) Let us fix that.

Where were you when Tommy Hammond came around on that day? A. In the drier room.

Q. Was anyone else present other than you and Tommy Hammond? A. No.

Q. Will you state what Tommy Hammond said to you on that occasion with reference to this meeting that was later held?

A. He asked me was I coming to the meeting that night. I said, "I don't know; I suppose so."

He said, "Well, if you want to keep on working, you had better be there."

Q. Was anything further said at that time?

A. No.

Q. Now, after the second meeting of the employees, did you attend any further meetings of the employees? A. Yes.

Q. Approximately how long—strike that.

Can you fix the approximate date of the next meeting you [1889] attended?

A. I couldn't say whether it was in December or January.

(Testimony of Eugene Clark Ely.)

Q. Well, where—can you fix it with reference to Christmas of 1938? Was it before or after Christmas?

A. I believe it was before Christmas, a short while.

Q. Now, where was the next meeting held that you attended? A. Here in the Legion Hall.

Q. Do you recall how you received notice of this third meeting?

A. By card—well, I didn't get my card. Yankee Robinson came around and gave it to me where I was working.

Mr. Clark: Yankee Robinson is E. M. Robinson?

The Witness: Yes.

Q. (By Mr. Mouritsen) Did you attend this third meeting? A. I did.

Q. Were you there during the entire course of the meeting? A. I was.

Q. Did you see a number of other employees of the Company present at that time?

A. About eighty or eighty-five.

Q. Did you see present on that third occasion any employees who prior to that time had given you orders or directions in regard to your work?

A. I did.

Q. Will you state the names of such employees whom you saw [1890] present on that occasion?

A. Tommy Hammond, Joe Hammond and Rube Lloyd, Bill Robinson.

Mr. Clark: Mr. Mouritsen, it is understood that

(Testimony of Eugene Clark Ely.)

my hearsay objection runs to this entire testimony of this witness?

Mr. Mouritsen: That has been my understanding.

Mr. Clark: Yes. That is why I am not repeating my objection.

Q. (By Mr. Mouritsen) Now, Mr. Ely, will you state what occurred at this third meeting that you attended?

A. Well, right at the start of the meeting I believe we took a secret vote on the officers that was to be elected, president, vice-president and secretary, and so forth.

Q. And were officers elected at that meeting, that you can recall? A. Yes.

Q. Do you recall the names—do you recall who was elected president? A. J. W. Hubbard.

Mr. Clark: May I have that name?

The Witness: J. W. Hubbard.

Q. (By Mr. Mouritsen) Do you recall the names of any other officers who were elected at that time?

A. Oscar Busbee, vice-president.

Q. Do you recall the name of the secretary or treasurer?

A. The secretary, E. M. Robinson. [1891]

Q. Do you recall the name of the treasurer?

A. Sammy Brenes.

Q. Do you know whether or not that is spelled B-r-e-n-e-s? A. I believe it is.

Q. At this meeting, was anything done with reference to a constitution for an organization?

(Testimony of Eugene Clark Ely.)

A. Yes. I believe we had the by-laws and they were read at this third meeting, to the best I remember.

Q. And were they adopted by the body of the employees? A. Yes.

Q. Do you recall how they were read? As a whole, or section by section?

A. Well, the best I remember they were just read off.

Q. Were any changes made in the by-laws?

A. I believe to start off with, the name "J. G. Boswell Company Employees' Association of Corcoran" was changed to "J. G. Boswell Company Employees' Association of Corcoran and Tipton, California."

Q. Now, do you recall whether or not any other amendments were made to the by-laws before they were adopted? A. No, sir, I don't.

Q. Do you recall whether or not the by-laws were adopted at this meeting?

A. To the best I remember, they was.

Q. Do you recall how that was done? [1892]

A. By just the vote of the crowd, saying "Aye."

Q. Do you recall anything further that was done at that meeting?

A. Well, Mr. Hubbard made a speech and thought we were accomplishing quite a bit by this Company Union, and if we would all stick together, he didn't see how it wouldn't work.

They talked about the dues and the initiation fee

(Testimony of Eugene Clark Ely.)

—we weren't initiated, but I guess that was what you would call it—to go in the treasury. We could have a dance, parties and barbecue out of this money, but there was never anything said about better working conditions or better pay. [1893]

Q. Do you recall anything further that was done at this meeting? A. Not at this time, no.

Q. Do you recall—strike that.

After that meeting did you attend any further meetings of the J. G. Boswell Association—or Employees' Association of Corcoran and Tipton, California? A. No.

Mr. Mouritsen: You may inquire.

#### Cross Examination

Q. (By Mr. Clark) Mr. Ely, do you remember the name of the attorney who appeared at the meeting you have described for us of the Boswell Employees' Association and talked to the persons present about it? A. I don't recall his name.

Q. Do you know where he was from?

A. Mr. Busby and Rube Loyd said he was from Lemoore.

Q. Well, wasn't he introduced to the gathering on any of these occasions? A. Yes, he was.

Q. Wasn't his name Clark Clement?

A. I don't remember.

Q. Was there any discussion of the fee to be paid by the Association to Mr. Clement at any of these gatherings? A. Yes. [1894]

(Testimony of Eugene Clark Ely.)

Q. And am I not correct in stating that the fee was to be paid out of the treasury of the Association, that is, the dues paid by the members?

A. Yes.

Q. How many persons would you say signed up on the occasion of the first meeting which you have told us was held in the company's office about November 18th?

A. Oh, I would say about 70, somewhere around there.

Q. Do you know approximately how many employees there were at the Boswell plant at that time?

A. No, I don't.

Q. Am I not correct in stating that there were approximately 80 or 90 employees at Boswell's at this time?

A. Boswell's in Corcoran and Tipton.

Q. I mean in Corcoran.

A. Not that I recall that there were that many.

Q. Isn't it a fair statement to say that practically everybody then employed by Boswell's at Corcoran joined this Employees' Association?

A. Yes.

Q. All right.

Now, can you place for us as nearly as you can the date of the last meeting you told us about?

A. Some time about Christmas. I don't know exactly.

Q. Was it before or after the first of the year?

[1895]

A. Might have been before Christmas. It might



(Testimony of Eugene Clark Ely.)

have been after the first of the year. I don't recall.

Q. When was it you joined the union? I am talking now about the American Federation of Labor union.

A. January 2nd.

Q. January 2nd?

A. Yes.

Q. Did you attend a meeting of this Employees' Association after you had signed this application to join the American Federation of Labor union?

A. No.

Q. Are you sure of that?

A. I am positive.

Q. As a matter of fact, didn't you belong to both organizations for a considerable period of time?

A. I did not.

Q. Are you positive of that?

A. Positive.

Q. I would like to read you the following from the record of this case, being the testimony of Mr. Martin, and after you have heard it and have had your recollection refreshed by hearing it, I then will ask you that same question again.

I am referring to page 1344 of the transcript.

“Q. (By Mr. Clark) On your direct examination, Mr. Griffin, you told us about a meeting of the union members which I think you placed as around the 15th or 16th of November? [1896]

A. Yes, sir.

“Q. Do you remember that?

“A. Yes, sir.

“Q. And then am I correctly stating that you said the members of the union were present at that meeting?

A. Yes, sir.

“Q. Will you name them for us?

(Testimony of Eugene Clark Ely.)

“A. Well, Elgin Ely, Roland Martin, Fat Ely, Elmer Eller, Lonnie Spear, George Andrade, and the balance of the bunch.

“Q. Who constituted the balance of the bunch, as nearly as you can remember?

“A. Powell.

“Q. Powell?           A. Yes, sir.”

Are those statements made by Mr. Griffin, made under oath in this case, true?

Mr. Mouritsen: I object to that as an improper question to answer.

Mr. Clark: I submit it.

Are they true?

Trial Examiner Lindsay: Just a minute. Give me a chance to rule on the question, please.

Read the question.

(The question referred to was read by the reporter, as [1897] set forth above.)

Mr. Mouritsen: Now, may I have that—may I see your transcript? Didn't you say you were reading from Mr. Martin's testimony?

Mr. Clark: Griffin, I mean.

May the record show that the word Martin can be changed to Griffin?

Trial Examiner Lindsay: Be sure you get it right, now.

Mr. Clark: I mean Griffin. Page 1344.

Trial Examiner Lindsay: Now, Mr. Reporter, will you go back and read the question of Mr. Clark

(Testimony of Eugene Clark Ely.)

regarding the answer the witness gave as to January 2nd, just preceding that?

The Reporter: "I am talking now about the American Federation of Labor union.

"A. January 2nd."

Trial Examiner Lindsay: Give me the rest of his question, what he is talking about.

The Reporter:

"Q. Now, can you place for us as nearly as you can the date of the last meeting you told us about?

"A. Some time about Christmas. I don't know exactly.

"Q. Was it before or after the first of the year?

"A. Might have been before Christmas. It might have been after the first of the year. I don't recall.

"Q. When was it you joined the union? I am talking now about the American Federation of Labor union. [1898]

A. January 2nd.

"Q. January 2nd? A. Yes.

"Did you attend a meeting of this Employees' Association after you had signed this application to join the American Federation of Labor union? A. No."

Trial Examiner Lindsay: All right.

Mr. Clark: Now the statement that I read from the record is from the testimony of Mr. Steve Griffin appearing at page 1344 of the transcript and the

(Testimony of Eugene Clark Ely.)

testimony which I read shows that it is from Griffin's testimony because it starts out with this question:

"On your direct examination, Mr. Griffin, you told us about a meeting of the union members which I think you place as around the 15th or 16th of November," and if I later used the word "Martin" it was inadvertent.

Trial Examiner Lindsay: Now read the question, the very last part of the question.

(The record referred to was read by the reporter, as follows:)

"Q. Are those statements made by Mr. Griffin, made under oath in this case, true?"

Trial Examiner Lindsay: He may answer.

The Witness: Well, Mr. Griffin might have thought—— [1899]

Mr. Clark (Interrupting): May I have the answer, Mr. Examiner, and then the explanations?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark): Please answer it yes or no and then explain.

Mr. Mouritsen: I submit, Mr. Examiner, the witness isn't compelled to answer yes or no to that question.

Mr. Clark: The question is whether it was true or not and that certainly is susceptible of a yes or a no answer.

The Witness: I don't know.

Mr. Clark: All right.

(Testimony of Eugene Clark Ely.)

Trial Examiner Lindsay: Now you have an explanation to make?

The Witness: Mr. Griffin might have thought I belonged to the union because that I still went and seen some of the fellows, called on them at their house, to go to the show with them.

Q. (By Mr. Clark): And was that as early as November 16th of '38 that you were going to union gatherings, or with some of the fellows, as you have called them?

Mr. Mouritsen: I object to that as a compound question, Mr. Examiner. The witness has stated one thing and counsel is asking him a compound question.

Trial Examiner Lindsay: All right.

Mr. Clark: Let me have the answer, please.  
[1900]

Trial Examiner Lindsay: If he understands the question.

Mr. Clark: I mean the answer before that, Mr. Examiner.

Trial Examiner Lindsay: I am sorry. Give him the answer before that.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: Now I want to withdraw the next question, Mr. Examiner.

Trial Examiner Lindsay: All right.

Mr. Clark: I will ask this question.

(Testimony of Eugene Clark Ely.)

Q. Mr. Ely, was that as early as November 16th of 1938?

Mr. Mouritsen: Objected to as vague and indefinite.

Mr. Clark: It refers to the question before.

Trial Examiner Lindsay: Yes. He knew that you were going to these gatherings or meetings, whatever they were.

The Witness: I wasn't in on none of the meetings; no.

Trial Examiner Lindsay: The gatherings is what we are talking about, that you were going to their homes and so forth. Is that the meaning?

Mr. Clark: That is what I mean, to these gatherings before or after the regular meetings.

The Witness: I went and called W. R. Johnston to the door and we went to the show from before the 16th until on after.

Mr. Clark: All right. [1901]

Q. Now, is that as much contact as you had or is that a fair description of the contact you had with the union members prior to the time you signed your application in January of '39?

Mr. Mouritsen: Do you understand that, Mr. Ely?

The Witness: No.

Mr. Clark: I ask that it be read back.

(The record referred to was read by the reporter, as set forth above.)

The Witness: Well, I was in the house and seen



(Testimony of Eugene Clark Ely.)

some of the fellows, but I never sat in on a meeting.

Q. (By Mr. Clark): Well, didn't you attend some social gatherings of the union members as early as November 16th of 1938?

A. Yes, sir; in the house to call on a fellow to go to a show with me.

Q. Is that what you refer to when you say that Mr. Steve Griffin might have thought you were a union member? A. That is right.

Mr. Clark: May I have this a moment, Mr. Examiner?

Trial Examiner Lindsay: Yes.

Q. (By Mr. Clark): Now I would like to refer you, Mr. Ely, to page 1374—1373, line 10 of the transcript, which is part of your cross examination. I would like to read it to you and I would like you to follow me as we go along, starting at line [1902] 10.

Just one minute. You see, that is your cross examination.

“Q. Had you attended any meetings or been in a house where a meeting was held at any time before that?”

Referring to the month of January, 1939.

“A. I was in the house where they had been held before then, yes. [1903]

“Q. And where was the meeting where you were in the house prior to January?”

“Mr. Mouritsen: I object to the question upon the ground it is confusing.

(Testimony of Eugene Clark Ely.)

“Mr. Painter: I will reframe the question.

“Q. When was the meeting which was held in a house where you were, that occurred prior to January, 1939?

“A. It was here in town.

“Q. I say when?

“A. I couldn't say exactly.

“Q. Well, can you tell us the month?

“A. January, 1939.

“Q. Well, now, just a moment. I asked you before January.

“Were you—I will withdraw that question.

“Were you in the same house where a Union meeting was held in January of 1939 at any time?

“Mr. Mouritsen: I object to the question, Mr. Examiner. It is a double-meaning question. It is unintelligible when you analyze the question. Was he ever in a house where a Union meeting was held.

“Mr. Painter: I will withdraw the question.

“Q. Did you ever attend a gathering of Union members before January of 1939?

“A. Not that I recall.” [1904]

Did you so testify on your cross examination in this case?

A. Well, it could have been still in January.

Q. Did you so testify? Do you remember?

A. I think so.

(Testimony of Eugene Clark Ely.)

Q. May I have the answer?

A. I guess I did.

Q. And was that the truth?

A. I suppose so.

Mr. Clark: That is all.

Mr. Mouritsen: Nothing further.

Mr. Clark: Nothing from us, Mr. Examiner.

Trial Examiner Lindsay: That is all.

(Witness excused.)

Mr. Mouritsen: Mr. Examiner, in support of the allegations of this part of the case, that is the 8 (2) violation, we have requested that Mr. Brenes appear at 2:00 o'clock with the Union records, and at this time we have no further witnesses to go forward with this part of the case.

Mr. Clark: I suggest a recess, then, Mr. Examiner.

Trial Examiner Lindsay: Yes, until 2:00 o'clock.

(Thereupon, at 11:45 o'clock A. M., a recess was taken until 2:00 o'clock P. M. of the same date.) [1905]

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### After Recess

(Whereupon, at 2:00 o'clock p. m., the hearing in the above-entitled matter was resumed, as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Respondents are ready.

Mr. Walsh: The Board is ready.

Trial Examiner Lindsay: I wish to call attention to a matter which has been brought to my attention. In yesterday's transcript on page 1765 on lines 2, 4, and 6 the word "cold," c-o-l-d, appears, and that word should be "told," t-o-l-d.

Mr. Clark: I think that is right.

Trial Examiner Lindsay: So let the record show that corrections.

Mr. Walsh: No objection.

Mr. Clark: No objection.

Trial Examiner Lindsay: And may I state that the crowd attending here has been very good in behavior with the exception of on about two or possibly three occasions when we have had outbursts of laughter. I wish that you wouldn't do that any more. It is hard to hear all of the testimony and it is difficult to have read back testimony of witnesses. When that is done then we have to have the question re-read to the witness, so let us be very careful about whispering or laughing at any testimony that comes over the witness stand. As a whole I commend all of you on your good behavior. [1906]

You may proceed.

Mr. Mouritsen: Mr. Brenes.

SAMUEL BRENES

called as a witness by and on behalf of the National Labor Relations Board, having been first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Mouritsen): What is your name?

A. Samuel Brenes.

Q. And where do you reside?

A. Here in Corcoran.

Q. What is your business or occupation?

A. I am a bookkeeper at the Boswell Company.

Q. How long have you held that position?

A. Here in Corcoran I have been employed since May 1935.

Q. And prior to that time were you employed by the J. G. Boswell Company elsewhere?

A. I was employed in their Tipton office for several months.

Q. Have you ever held any position in the J. G. Boswell Employees' Association of Corcoran and Tipton?

A. Mr. Clark: Objected to on the ground it is incompetent, irrelevant and immaterial and hearsay; not binding on any of the respondents in this case in view of the fact there is no authority whatsoever established in this record, may it please the Examiner, on behalf of any respondent to any person who is [1907] a member of the Employees' Association, and may that objection be deemed to run to the entire testimony of this gentleman, and then I won't repeat it?

(Testimony of Samuel Brenes.)

Mr. Walsh: So stipulated.

Mr. Clark: So stipulated.

Trial Examiner Lindsay: He may answer.

The Witness: Yes, sir.

Mr. Mouritsen: And what office did you hold in that organization?

The Witness: Treasurer.

Q. (By Mr. Mouritsen): When did you first hold that office?

A. I was elected at the organization meeting held by the Association. I believe that was November 1938.

Q. Was that meeting held at the plant of the Boswell Company? A. No, sir.

Q. You were subpoenaed to appear at the hearing, Mr. Brenes, were you not?

A. I was requested to. I received no subpoena.

Q. Well, do you have with you the constitution and by-laws of the J. G. Boswell Employees' Association of Corcoran and Tipton?

A. Yes, sir. [1908]

(The document referred to was passed to Mr. Mouritsen.)

Mr. Mouritsen: May this document be marked as Board's Exhibit next in order for identification?

Trial Examiner Lindsay: Yes.

(Thereupon, the document above referred to was marked as Board's Exhibit No. 18 for identification.)



(Testimony of Samuel Brenes.)

Q. (By Mr. Mouritsen): And also do you have the by-laws——

Mr. Clark (Interrupting): Just a moment. May I have the privilege of examining this before you ask the next question?

Mr. Mouritsen: I thought I could get the by-laws too, and have you look at them.

Mr. Clark: I can't very well look at this and——

Trial Examiner Lindsay (Interrupting): Let us not argue.

Mr. Clark: I will defer the examination of this if you wish.

Trial Examiner Lindsay: No, go ahead and examine it now.

Q. (By Mr. Mouritsen): Now, Mr. Brenes, I will show you the document that has been marked Board's Exhibit 18 for identification, and ask you to tell the Court what that is?

A. (Examining document): That is a copy of the constitution and by-laws of the J. G. Boswell Employees' Association of Corcoran and Tipton.

Q. Do you know where the original of that document is?

A. I believe it is in our secretary's file.

Q. And that is who? [1909]

A. That is Mr. McKeever.

Mr. Clark: Wasn't Mr. McKeever here in response to that subpoena on that first day, Mr. Examiner?

(Testimony of Samuel Brenes.)

Trial Examiner Lindsay: Well——

Mr. Clark (Interrupting): Wasn't Mr. McKeever here, and wasn't he released on 24 hours' notice?

Mr. Mouritsen: Mr. McKeever was subpoenaed and he appeared and then he later asked if he could be released, in as much as he was going to Arizona; and I told him at that time that would be satisfactory, providing he turned the documents over to Mr. Brenes and Mr. Brenes appeared.

Mr. Clark: The last I heard of it, Mr. Examiner, was that Mr. McKeever was released on 24 hours' notice to return, and I understood he can get back in 24 hours if there is any question about the original of that.

Trial Examiner Lindsay: Well, the only point, then, is the question of the original, is that it?

Mr. Clark: I presume so, if counsel is making a point of that.

Trial Examiner Lindsay: I don't know whether he has or not as yet. We will find out.

Q. (By Mr. Mouritsen): Have you seen the original or compared that document that has been marked Board's Exhibit 18 for identification, with the original constitution and by-laws of the organization? [1910]      A. I have.

Q. And did your examination reveal that Board's Exhibit 18 for identification is an exact copy of the original constitution and by-laws?

A. Yes, sir.

(Testimony of Samuel Brenes.)

Q. Now, directing your attention to two sheets which appear after page 10 in Board's Exhibit 18 for identification, you will note that there are a number of names contained thereon. Is that correct?

A. Yes, sir.

Q. Now, I will ask you if on the original constitution of the J. G. Boswell Company Employees' Association of Corcoran and Tipton, the signatures of these men appear?

A. They do.

Q. In other words, these names that are here typewritten are written out in long hand in the original, is that correct?

A. Yes, sir.

Q. And did your examination or comparison of Board's Exhibit 18 with the original show that all of the names that are now contained on Board's Exhibit 18 for identification were contained on the original constitution?

A. Yes, sir.

Mr. Walsh: May I see it?

(The document referred to was passed to Mr.

Walsh.)

Mr. Mouritsen: At this time, Mr. Examiner, I offer as [1911] Board's Exhibit 18 the document that has been marked Board's Exhibit 18 for identification.

Mr. Clark: To which we object on the ground it is incompetent, irrelevant and immaterial, not binding on any of the Respondents to this case, and the purest hearsay as to all of the Respondents, and it is probative of no issues at all as between the Respondents and the Board.

(Testimony of Samuel Brenes.)

Trial Examiner Lindsay: You don't object on the ground that it is a copy?

Mr. Clark: No, oh, no, no.

I suppose that the original could be produced, at any rate, upon getting in touch with Mr. McKeever.

So far as that is concerned, Mr. Examiner, I suppose that if the Exhibit is to be admitted in the face of my objection, that it be admitted subject to comparison with the original on behalf of either party if it is desirous to do so—if they desire to do so—before the completion of the hearing.

Mr. Mouritsen: Before the completion of the hearing?

Mr. Clark: Yes.

Mr. Mouritsen: That is satisfactory to the Board.

Trial Examiner Lindsay: Board's Exhibit 18 is received.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit No. 18.) [1912]

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## BOARD'S EXHIBIT No. 18

### INDEX TO CONSTITUTION

of

J. G. Boswell Company Employees' Association  
of Corcoran and Tipton

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Name

(Testimony of Samuel Brenes.)

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(Testimony of Samuel Brenes.)

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CONSTITUTION AND BY-LAWS OF

J. G. Boswell Company Employees' Association of  
Corcoran and Tipton

—oOo—

CONSTITUTION

Article I.

Name

Section 1: The name of this association shall be  
J. G. Boswell Company Employees' Associa-  
tion of Corcoran and Tipton



(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Section 2: Wherever the phrase "The Company" appears herein, it shall mean the J. G. Boswell Company, a Corporation, doing business in Corcoran and Tipton, California.

Article II.

Objects

Section 1: The objects of the Association shall be:

- (a) To unite in one organization those eligible persons who have a common interest as employees of the Company.
- (b) To act as a central agency through which will be cleared information relating to matters affecting the common interest of members in their relationships with each other and the Company.
- (c) To provide a medium through which any member or group of members may, at any time, present suggestions, requests or complaints to the management of the Company.
- (d) To provide for collective bargaining with the Company, or for dealing with the company concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.
- (e) To encourage social and recreational activities among its membership.
- (f) To not interfere with the right of any member or members to present grievances

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

individually to the management of the company.

Article III

Membership—Qualification and Admission

Section 1: Any person who is now and has been continuously for a period of thirty (30) days or over, employed by the Company shall be eligible for membership; provided, however, that no employees exercising executive authority in the Company shall be eligible for membership. An executive is hereby defined to be one who in his discretion makes decisions in the management of the Company or disputes over labor, wages, rates of pay, hours of employment or conditions of work arising between the employees of the Company and the Company.

Section 2: Any person who qualifies under the provisions of Section 1 of this article, who has been approved by the committee on membership, and on payment of dues of this association, may become a member of this association and shall receive a certificate of membership which shall be executed by the president and secretary or other duly authorized members of this association.

Section 3: Any member who shall leave the employ of the Company, either by reason of dis-

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

charge, retirement or resignation, shall thereupon cease to be a member of this association, and shall surrender his certificate of membership; provided, however, that should any member consider that he has been discharged or laid off unjustly, he shall remain a member of this association until after his case has been submitted in writing to the proper authorities for consideration and final action taken thereon.

Section 4: Any person who may be re-employed by the Company and who was (prior to the cessation of his employment) a member of this association shall be eligible for reinstatement as a member of this association, upon the approval of the Committee on membership, without regard to the thirty (30) day requirement set forth in Section 1 of this Article, and without the payment of additional initiation fees or dues for the period of unemployment.

Section 5: Any member may terminate his membership in this association by filing a written notice thereof with the secretary of the association, and by surrendering his certificate of membership; such termination of membership to become effective ten (10) days after the filing of such notice.

Article III, Section 6, of the Constitution

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)  
of the J. G. Boswell Company Employees'  
Association of Corcoran and Tipton: Mem-  
bership in this Association constitutes a repu-  
diation of membership in any other labor or-  
ganization.

The above addition to the Constitution be-  
came effective on April 5, 1939, in accordance  
with the provisions of the Constitution and  
By-laws of the above named Association.

H. G. McKEEVER,  
Secretary.

Article IV  
Officers—And Annual Meetings

Section 1: The officers of this association shall be:

President  
Vice-President  
Treasurer  
Secretary

All officers shall be members in good stand-  
ing at the time of their election and during the  
entire period that they hold office, and shall  
have been in the continuous employment of  
the Company for one year or over, prior to  
their election.

The officers of this association shall consti-  
tute its Executive Committee.

Section 2: Meetings of the members of this asso-

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

ciation shall be held not less than twice a year, as provided for in the By-Laws.

Section 3: For the purpose of dealing with the specific labor problems, a Labor Relations Committee, consisting of three (3) members, shall be elected by the members. No member may be elected to the Labor Relations Committee unless he has been continuously employed by the Company for one year or over.

Section 4: When any written complaint is submitted to the Labor Relations Committee by a member of the association, such committee shall meet and investigate such complaint within ten (10) days after such complaint is filed with the committee, and report its decision in writing to the Governing Board and to the member making the complaint.

Article V

Election and Recall of Officers

Section 1: The officers and the Labor Relations Committee provided for in Article IV shall be elected annually, as provided for in the By-Laws, to serve for a term of one year, or until their successors are duly elected and installed.

Section 2: Any officer so elected shall be subject to recall in the manner provided for in the By-Laws.



(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Article VI

Governing Board

Section 1: To provide for a Governing Board of this association to govern its affairs, conduct negotiations with and meet with management of the Company, the duly elected officers of the association and the **Labor Relations Committee** shall constitute the members of such board.

Section 2: The Board meeting shall be subject to the call of its chairman at Corcoran, California, at such place therein as shall be selected by said board, at a meeting thereof.

The Secretary shall give written notice of all meetings called by the chairman to the members of the Governing Board by mailing the same to such members at least one (1) day prior to the time fixed for the meeting; provided, however, that such notice may be waived upon all members of said Governing Board by signing a written waiver thereof and filing the same with the secretary. Such notices shall state the general nature of the business to be considered at the called meeting.

Section 3: The president of the association shall be the President of the Governing Board. The secretary of the association shall be the Secretary of the Governing Board.



(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Section 4: All resolutions and proceedings in the meetings of the Board shall be entered in proper books by the secretary, who shall perform for the board all the services pertaining to the office of secretary. Copies of the minutes of the Governing Board shall be submitted to the members of the association at the next regular or special meeting of the members, following such board meeting or meetings.

Section 5: The Governing Board of this association shall be empowered to assist in the preparation of agreements between the association and the Company, and to be the sole representative or agency of the association for the purpose of collective bargaining with the management of the Company, agreements to become effective upon execution by the duly constituted officers of the Company and ratification by a majority of the total enrolled membership of the association.

Section 6: No strike shall be called, except as follows:

If a majority of the members of the Governing Board shall favor the calling of a strike, the proposition shall be immediately submitted to the membership at a specially called meeting therefor, and if two-thirds ( $2/3$ ) of the total membership vote by a secret ballot in

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

favor of a strike, then the Governing Board shall call a strike within ten (10) days thereafter, and shall notify the president and secretary and manager of the Company of such strike, by mailing written notices of the same to said officers at their official addresses ten (10) days before the date set for said strike.

Section 7: Whenever the Governing Board shall adopt a resolution or determine upon a course of action following the filing of a complaint with the board, then the president of the association shall appoint a committee of three (3), selected from members of the Governing Board, to present the matter to the plant manager of the Company, and to negotiate with the management in connection therewith. If such negotiations with the plant manager are not settled within fifteen (15) days thereafter, then the Governing Board shall take the matter up with the officials of the Company, and shall have full authority to conduct whatever negotiations may be necessary with such officers.

Article VII  
Amendments

Section 1: Any proposition to amend the constitution of this association shall be submitted in writing to the secretary of this association prior to any regular or special meeting of the

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

members. The secretary shall read the proposition at the meeting and it may be discussed but not voted upon. At the next meeting of the association at which a quorum is present the proposition shall be voted upon.

Should a two-thirds (2/3) majority of the total enrolled membership of the association favor the proposition to amend, the proposed amendment shall thereupon be referred to the Governing Board of this association.

Section 2: Should any amendment to this constitution, adopted by the members of this association, according to the procedure in Section 1 of this Article, receive the approval of the majority of the Governing Board of the association, the chairman shall declare the constitution of the association to be amended accordingly.

BY-LAWS

J. G. Boswell Company Employees' Association of  
Corcoran and Tipton

Article I

Officers

President

Section 1: It shall be the duty of the president to preside at all meetings and to enforce all laws and regulations relating to the administration of the association.

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Section 2: He shall call meetings of the association, the Executive Committee, or the Governing Board, when he shall deem it necessary or when requested to do so by the Executive Committee or the Governing Board or upon written request signed by at least fifty per cent (50%) of the enrolled membership of the association.

Vice-President

Section 3: In the absence of the president, all powers and prerogatives of the president shall be vested in the vice-president.

Secretary

Section 4: All resolutions and proceedings of meetings, whether of the association, the Executive Committee or the Governing Board shall be entered in proper books by the Secretary. The secretary shall keep a register of the membership of the association, and shall issue certificates of membership, as provided in Article III, Section 2 of the Constitution.

Treasurer

Section 5: All moneys payable to the association shall be paid to the treasurer of the association. All moneys payable by the association shall be paid by checks signed by the treasurer and countersigned by the President; however, the Executive Committee may authorize other

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

officers to sign or countersign checks during the absence of those herein designated. The treasurer shall report at each meeting of the association the condition of the Treasury.

Executive Committee

Section 6: The duly elected officers of the association, as designated in Article IV, Section 1 of the constitution, shall constitute the Executive Committee.

Duties of Executive Committee

Section 7: It shall be the duty of the Executive Committee to take the initiative in determining the policies of the association. It shall be its duty to take charge of, control, and manage all the property belonging to the association. A record shall be kept of its proceedings and a report thereof made in writing to the association at the regular meetings of the members.

Vacancies

Section 8: Vacancies which may occur in the offices provided for in Article IV, Section 1 of the constitution, shall be filled by appointment by the remaining members of the Executive Committee, the appointees to serve until their successors have been elected at the next regular election of officers and have been installed.

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Vacancies in the Labor Relations Committee shall be filled in the same manner.

Other Committees

Section 9: There shall be four (4) other committees of the association, composed of members in good standing, who shall have been in the continuous employment of the Company for six months or over. All members of these committees shall be appointed by the President, with the approval of a majority of the Executive Committee, to serve for a term of one year at the discretion of the president.

Membership Committee

The Membership Committee, consisting of three (3) members, shall receive applications for membership, and after full investigation, and within thirty (30) days after receipt of such application, shall approve or disapprove the same, in writing, and file such writing with the secretary.

Any member may be expelled from membership in said association by a vote of two-thirds ( $2/3$ ) of the total enrolled membership of said association, at any meeting of said association.

Nominating Committee

The Nominating Committee, comprising at least three (3) members, shall prepare a slate of officers and labor relations committeemen



(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

for the succeeding term, insofar as practicable to be representative of the entire enrolled membership of the association.

Finance Committee

The Finance Committee, comprising at least three (3) members, shall be responsible for the auditing of the association's funds, disbursements, and current status of membership dues.

Social and Recreation Committees

Social and Recreation Committees, comprising five (5) members, shall make plans and arrangements for all social and recreational activities of the association, as authorized by the membership.

It shall be the duty of the secretary to post the names of all committeemen of the association on all bulletin boards. These committees shall report their activities to the Executive Committee at such times and in such manner as it shall direct.

Recall of Officers

Section 11: Any duly elected or appointed officer of this association may be subject to recall in the following manner:

Upon the presentation at any meeting of the members of this association of a petition signed by fifty per cent (50%) of the enrolled mem-

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

bership of the association requesting the recall, for cause, of any duly elected or appointed officer of the association, ballots shall be prepared and distributed by the secretary to the members of the association within five (5) days thereafter. The election shall be conducted as outlined in Article IV, Section 3 of the By-Laws herein. Should two-thirds ( $2/3$ ) of the enrolled members of the association vote in favor of the recall, the presiding officer shall declare the office vacated, and the same shall thereupon become vacant.

Recall of Committeemen

Section 12: Any duly elected or appointed member of the Labor Relations Committee of this association may be subject to recall in the following manner:

Upon the presentation at any meeting of the members of this association of a petition signed by fifty per cent (50%) of the enrolled membership of the association, requesting the recall, for cause, of any duly elected or appointed member of the Labor Relations Committee, the secretary of the association shall prepare ballots and distribute them to the members of the association within five (5) days thereafter. The election shall be conducted as outlined in Article IV, Section 3 hereof. Should two-thirds

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

(2/3) of the members of the association vote in favor of the recall, the presiding officer shall declare the office vacated, and the same shall thereupon become vacant.

Article II

Meetings of the Associations

Regular Meetings

Section 1: The annual meeting of members of the association shall take place during the first week of April, the day of the week to be specified in the notice for such meeting, at which time the nomination of officers and the Labor Relations Committeemen shall take place, and at which time, said officers and committeemen shall be elected and installed.

Written notice of such meeting and of all regular meetings shall be mailed or sent by the secretary ten (10) days in advance of such meeting.

Regular meetings of the association shall be held not oftener than once a month at such time and place as may be designated by the Executive Committee.

Written notices of regular meetings shall be mailed or sent to each member by the secretary at least ten (10) days in advance of the date of such meetings.

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Special Meetings

Section 2: Special meetings may be called at any time with the approval of the president of the association, as provided under Article I, Section 2 hereof.

Written notices of special meetings shall be mailed or sent to each member by the secretary at least ten (10) days in advance of such meetings.

Executive Committee Meetings

Section 3: Meetings of the Executive Committee shall be called by the president, or at the request of any member of the Committee.

Five (5) days' notice of a meeting of the Executive Committee shall be given to each of its members, and such notice shall, as far as practicable, contain a statement of the business to be transacted at such meeting.

Other Committee Meetings

Section 4: All other committees shall be subject to the call of their respective chairmen.

Quorum

Section 5: A representation of fifty per cent (50%) of the enrolled membership of this association shall constitute a quorum authorized to transact business duly presented at any meeting of the association, except that mem-

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

bers unable to be present may vote at any meeting by proxy mailed or sent to the secretary in advance of such meeting, or given to any member attending such meeting. Such proxies shall be considered as representation in constituting the quorum before mentioned.

Three (3) members of the Executive Committee shall constitute a quorum of such committee.

Article III

Resolutions

Section 1: Subjects or problems for negotiation with the general management or offices of the Company shall be drafted in the form of resolutions which shall have the approval of two-thirds ( $2/3$ ) of the enrolled membership of the association. Voting thereon shall be as provided for special elections, under Article IV, Section 3 of the By-Laws.

Section 2: Resolutions so adopted by the association shall be submitted to the general management or officers of the Company by the Governing Board of the association, in accordance with agreements to be executed between the association and the Company, as provided in the constitution.

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Article IV

Nomination of Officers and Elections

Nomination of Officers

Section 1: The nominating Committee shall present a slate at the annual meeting of the association for the officers and Labor Relations Committee, provided for under Article IV of the constitution.

Any member of the association may make additional nominations from the floor.

Regular Election

Section 2: Balloting for Labor Relations Committeemen: The members shall vote for the three members of the Labor Relations Committee and the one receiving the highest vote shall be the chairman of this Committee, and the members shall be subject to his call.

Election shall be by secret ballot deposited personally by the members in the ballot boxes provided therefor, or by secret ballot mailed or sent by absent members to the secretary of the association prior to the election and deposited in the ballot box at the time of the election.

At the annual meeting, a chairman and two tellers shall be appointed by the presiding officer to receive and authenticate the ballots.



(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

After the closing of the ballot boxes, they shall tally the ballots so cast and announce the results to the presiding officer at the annual meeting, who thereupon shall declare the member receiving the highest number of votes cast elected to the respective offices. The ballots so cast shall be retained by the tellers for thirty (30) days after the date of the annual meeting.

Special Elections

Section 3: Recall or other special elections shall be conducted as provided in Section 2, Article 4 of these By-Laws.

Article V

Dues

Section 1: The dues for each month or fraction thereof shall not be less than Fifty Cents (50).

Section 2: Such dues shall be due and payable monthly in advance on the first Tuesday of each month, and until such payment of dues is made, as aforesaid, no certificate of membership shall be issued.

Section 3: In the event that any member of the association shall be in arrears in the payment of dues for a period of six (6) months, he shall automatically cease to be a member of this association.

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

Section 4: From the dues collected by the association, the necessary expenses of the association shall first be paid and the remainder of the dues so collected, shall be retained by the treasurer to be used in paying for expenses incurred for the social and recreational activities among its members.

Section 5: Each member shall pay an initiation fee of Two Dollars (\$2.00) at the time he becomes a member of the association.

Article VI

Amendments

Section 1: Any proposition to amend the By-Laws of this association shall be submitted in writing to the secretary at or prior to any regular or special meeting of the association. The secretary shall read the proposition at the meeting, and it may be discussed but not voted upon. At the next meeting of the association the proposition shall be voted upon.

Should a two-thirds (2/3) majority of the enrolled membership favor the proposition to amend, the proposed amendment shall thereupon be submitted to the Governing Board of this association for approval.

Section 2: Should any amendment to the By-Laws, adopted by the members of the associa-

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

tion according to the procedure of Section 1 hereof, receive the approval of a majority of the members of the Governing Board of the Association, the Governing Board shall declare the By-Laws of the association to be amended accordingly.

Article VII

Rules of Order

Section 1: The rules of parliamentary procedure as laid down in "Roberts' Rules of Order" shall govern all meetings of the Association.

We, the undersigned members of J. G. Boswell Company Employees' Association of Corcoran, and Tipton, California, hereby adopt the foregoing Constitution and By-Laws as the Constitution and By-Laws of said Association:

.....  
 .....  
 .....  
 .....

I, E. M. Roberson, the duly elected, qualified and acting Secretary of J. G. Boswell Company Employees' Association of Corcoran and Tipton, hereby certify that the foregoing is a true, full and correct copy of the Constitution and By-Laws of said Association duly adopted on the 28th day of November, 1938, and that the written assent attached thereto is full, true and correct copy of the written

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)  
assent of all the members of said Association at  
said time of the adoption of said Constitution and  
said By-Laws.

In Witness Whereof, I have hereunto set my  
hand this 29th day of November, 1938.

E. M. ROBERSON

Secretary of said Association

We, the undersigned, hereby join said Associa-  
tion, and agree to all of the provisions contained in  
said Constitution and By-Laws.

.....	.....
.....	.....
.....	.....
.....	.....
E. M. Roberson	Sherman L. Todd
Oscar W. Busby	Arch Gardner
J. A. Derichsweiler	Bob Howes
Vernon Rood	Clark Mitchell
Sam T. Robinson	John H. Carpenter
J. W. Tisdale	Wm. Haynes
John Duncan	Orcar White
A. R. Derichsweiler	C. C. Hastin
W. D. Robinson	Tom Donahue
E. C. Ely	Guy Pool
Basil Winslow	H. Liggett
Clyde Sitton	O. H. Thompson
Paul Morris	T. E. Lowry
Jack Heywood	Bruce Clark

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

John Winslow	Sam Brown
Charlie J. Felder	W. F. Willoughby
Herman Langford	Fred Matthew
Walter Derichsweiler	Bernadine Sickles
Jack Owings	Irma G. Clow
L. G. Robinson	H. G. McKeever
F. E. Ely	R. B. Lloyd
Stant Salsbury	Joe Hammond
W. L. Connally	D. B. Burdine
J. W. Hubbard	W. C. Nichols
Arthur Bowron	Hugh Greer
K. V. Hammond	R. E. White
H. R. Murphy	R. H. Fallin
Walter W. Abbott	Lloyd W. Wilson
A. L. Hood	Ygnacio Galvan
Robert C. Springer	Andrew Galvan
Tom B. Hammond	Brooks Fiske
S. F. Brenes	June Graser
L. M. Carr	W. T. Tilman
Don Mummert	Raymond Archer
William F. Parrish	J. T. Mize
Joseph T. Melton	Guy R. Clow
Joe Briley	Alvin A. May
Wm. D. Blankenship	Fred S. Armenta

MEMBERSHIP APPLICATION

J. G. Boswell Company Employees' Association  
of Corcoran and Tipton  
Corcoran, California

The undersigned hereby applies for membership

(Testimony of Samuel Brenes.)

BOARD'S EXHIBIT No. 18—(Continued)

in J. G. Boswell Company Employees' Association of Corcoran and Tipton, and agrees, that if accepted as a member, to sign the membership roster and to abide by all of the provisions of the Constitution and By-Laws of said Association.

Dated: . . . . ., 1938.

. . . . .

Applicant

. . . . .

. . . . .

Address

Approved:

. . . . .

. . . . .

. . . . .

Membership Committee

[Endorsed]: Filed 6-6-39.

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Q. (By Mr. Mouritsen) Now, Mr. Brenes, do you also have the financial records of the J. G. Boswell Company Employees' Association of Corcoran and Tipton?      A. Yes, sir.

Q. May I see those, please?

A. Here are the original records. I also have a financial statement.

(The documents referred to were passed to Mr. Mouritsen who examined them.)



(Testimony of Samuel Brenes.)

Q. And the financial records were kept by yourself, is that right? A. Yes.

Q. And are they—are you still treasurer of that organization? A. Yes, sir.

Q. And have been since its organization, is that correct? A. That is right.

Q. And this green book that you have handed contains all of the financial records of that organization, is that correct? A. Yes, sir.

Q. Now, Mr. Brenes, I note that the names Tom and Joe Hammond appear upon the pages following page 10 of Board's Exhibit 18, which is the constitution of the J. G. Boswell Employees' Association of Corcoran and Tipton. Are they members of that organization? [1913]

A. Yes, sir.

Q. And have they been members from the beginning of that organization? A. Yes, sir.

Q. And I note that Bill Robinson's name appears on Board's Exhibit 18 as one of the signers. Is he also a member of that organization?

A. He is.

Q. And has he been from the beginning of that organization? A. Yes, sir.

Q. Now, I will return to you, Mr. Brenes the financial record that you gave me.

Now, what further—do you have the subpoena that was directed, I believe to either Mr. McKeever or Mr. Roberson? A. Yes, sir.

Q. Could I see that?

(Testimony of Samuel Brenes.)

Mr. Clark: Of course, the record will show, Mr. Examiner, that counsel for the Board has examined the books containing all of the financial records of this organization, I take it?

Mr. Mouritsen: Surely, and that I have returned it.

Mr. Clark: I want to make sure that it will, and you are returning it without offering it in evidence.

Mr. Mouritsen: I don't want to take his original records.

Mr. Clark: Is that the only reason?

Q. (By Mr. Mouritsen) Now, Mr. Brenes, under the subpoena [1914] you were requested to produce the minutes of membership meetings and meetings of the board of directors of any and all meetings held by the J. G. Boswell Company Employees' Association of Corcoran and Tipton. Do you have such minutes and such—the membership meeting and meetings of the board of directors? A. Yes, sir.

Q. Could I see those, please?

(The document referred to was passed to Mr. Mouritsen, who examined same.)

Trial Examiner Lindsay: Will you step down a minute.

(The witness leaves the witness stand.)

Trial Examiner Lindsay: You gentlemen come up here just a moment.

(Testimony of Samuel Brenes.)

(Conference between counsel and the Trial Examiner at the bench.)

Trial Examiner Lindsay: All right, Mr. Witness.

(The witness resumed the stand.)

Trial Examiner Lindsay: You are an officer of the independent union?

The Witness: Yes, sir.

Trial Examiner Lindsay: Do you desire counsel?

The Witness: No, sir.

Trial Examiner Lindsay: You do not?

The Witness: No. [1915]

Trial Examiner Lindsay: All right.

Mr. Clark: Did that answer get in, Mr. Lindsay?

Trial Examiner Lindsay: Did you get the answer?

The Reporter: Yes.

Mr. Clark: The answer was no?

The Witness: Yes.

Q. (By Mr. Mouritsen) Now, Mr. Brenes, I will hand you the book containing the membership or the minutes of membership meetings or other meetings, and ask you if you can find therein the minutes for the first meeting held by the membership of the organization?

A. (Examining document) They start there.

(Testimony of Samuel Brenes.)

(The document referred to was passed to Mr. Mouritsen.)

Q. (By Mr. Mouritsen) Prior to November 28th, 1938, were any meetings of the employees held that you attended, for the purpose of organizing an independent union at the plant?

Mr. Clark: Meetings held at the plant? Is that the burden of the question?

Trial Examiner Lindsay: Read the question, please.

(The question referred to was read by the reporter, as set forth above.)

Mr. Clark: I object to the question on the ground it is indefinite and ambiguous. I take it that it calls for whether or not the meetings were held at the plant. That is what I wanted to find out. If that is the purpose, there is [1916] no objection.

Trial Examiner Lindsay: I think the question is plain.

You understand by "the plant" he means the Boswell plant?

Is that right, Mr. Attorney?

Mr. Mouritsen: That is correct.

The Witness: Yes, sir, there was one meeting.

Q. (By Mr. Mouritsen) And you were in attendance at that meeting, is that correct?

A. Yes. I dropped in for a few minutes.

(Testimony of Samuel Brenes.)

Q. Where was that meeting held?

A. That was held at the office of the Boswell Company.

Q. And can you fix the date for us?

A. Not exactly. It was several weeks before that meeting.

Q. You recall the day when a number of employees were requested to leave the plant of the Company?

A. I wasn't present when anyone was requested to leave.

Q. No. You mean you weren't present at any gathering where the employees were requested to leave?

A. That is right.

Q. But you were present at the plant on that day?

A. Yes.

Q. And you have that day in mind, is that correct?

A. Yes.

Q. Now, was this meeting of the employees held in the evening of that same day? [1917]

A. I can't say definitely.

Q. Well, were you present during the whole meeting?

A. No, I wasn't.

Q. Will you tell us whom you observed as being present at that first meeting that was held at the plant?

A. You mean you want a list of all of those I saw?

Q. As many as you can recall there.

Mr. Clark: I wonder if he has any record of it?

(Testimony of Samuel Brenes.)

That would be better evidence if he has. Will you ask him that?

Q. (By Mr. Mouritsen) Do you have any records of people present at the first meeting?

A. Yes, sir. The signatures appear right here. There are the minutes of the first meeting.

(The document referred to was passed to Mr. Mouritsen who examined the same.)

Q. (By Mr. Mouritsen) Now——

Mr. Clark (Interrupting): May the record show, Mr. Examiner, that first the witness has indicated to counsel the minutes of the meeting under discussion, and apparently a list of names of the persons present at that meeting, and that counsel has examined them?

Q. (By Mr. Mouritsen) Now, Mr. Brenes, I show you a list containing a number of names written in long hand, and ask you if that is the list to which you refer as having been made that night of the meeting at the plant? [1918]

A. (Examining document) Yes.

Mr. Mouritsen: Could this list be marked for identification, composed of two sheets of ruled paper having a number of green and brown lines on it?

Trial Examiner Lindsay: Yes, it may be marked.

(Thereupon, the document above referred to was marked as Board's Exhibit 19 for identification.)



(Testimony of Samuel Brenes.)

(The document above referred to was passed to Mr. Clark.)

Mr. Mouritsen: Mr. Examiner, I think the record should indicate that Mr. Clark is examining the minutes of the first meeting, rather than the list of the names.

Mr. Clark: You examined the minutes of the first meeting, so now I am. Isn't that fair?

Very well.

Mr. Mouritsen: At this time, Mr. Examiner, I will offer as Board's Exhibit 19 the document that has been marked Board's Exhibit 19 for identification, which is composed of two sheets as I earlier described it.

Mr. Clark: To which we object, Mr. Examiner, on the ground it is incompetent, irrelevant and immaterial, and hearsay as to the Respondents.

Trial Examiner Lindsay: Board's Exhibit 19 may be received.

(Thereupon, the document above referred to was received in evidence and marked as Board's Exhibit 19.) [1919]

Q. (By Mr. Mouritsen) What further was done at that meeting other than signing the—Board's Exhibit 19?

A. I didn't attend the whole meeting, but while I was there they just discussed the possibility of organizing an employees union of their own.

Q. Now, after that first meeting, did you attend

(Testimony of Samuel Brenes.)

any further meetings of the employees' organization?      A. Yes, sir. [1920]

Q. Do you recall—strike that.

Would November 28, 1938, be the date of the next meeting that you attended?

A. Yes, sir.

Q. And at that next meeting Board's Exhibit 18 was adopted, is that correct?

A. Yes, sir.

Q. And would you say the other—a number of other employees of the J. G. Boswell Company signed Board's Exhibit 18 at that meeting?

A. Yes, sir.

Q. And at that next meeting officers were also elected, is that correct?      A. Yes, sir.

Q. That is, when you became treasurer of the organization, is that correct?      A. Yes, sir.

Mr. Clark: May it please the Examiner, if counsel is going to examine the witness from the minutes of the meeting of November 28th, then I will ask that he be required to offer the minutes in evidence.

Trial Examiner Lindsay: Board's Exhibit 18 is the one he is examining him on, and it is also in evidence.

Mr. Clark: No. He is examining the witness on the minutes of a further meeting, November 28th. He is standing there [1921] reading the minutes and asking the questions on it, and if he is going to do that, I simply ask that he be required

(Testimony of Samuel Brenes.)

to offer the minutes in evidence.

Let's have them be either fish or fowl. You see? Either in evidence or not?

Mr. Mouritsen: I have no intention of offering them in evidence. I don't want to take the minutes away from them when we can get the information in a much easier manner.

If the witness wants to examine the minutes as I examine him on them, that is all right.

Trial Examiner Lindsay: Let us hand it to him as you examine it.

Mr. Mouritsen: Yes.

Trial Examiner Lindsay: Let us get the record straight.

I have given the independent union the right to have counsel here if they wish; and this witness has said they do not want counsel.

Mr. Clark: May I make a statement, Mr. Lindsay?

Trial Examiner Lindsay: Well, I do not know if it is necessary.

Mr. Clark: I would like the record to show that my objection to it coming in here was being made in behalf of the respondents Boswell Company, Associated Farmers of Kings County, and the Corcoran Telephone Exchange, and the objections are that these minutes are incompetent and hearsay. [1922]

If they are going to go in in the face of those objections, I take it they should be offered in a

(Testimony of Samuel Brenes.)

proper fashion instead of counsel going through them and taking what he wants from them and asking those questions and leaving anything that hurts him unsaid.

Mr. Mouritsen: That is surely an uncalled for statement.

Mr. Clark: Let's show evidence of your good faith.

Trial Examiner Lindsay: Listen, I want this sort of thing stopped. I am getting tired of it.

Mr. Mouritsen: May I proceed, Mr. Examiner.

Trial Examiner Lindsay: Yes, you may proceed.

Mr. Clark: I think there is an objection unruled on.

Trial Examiner Lindsay: Read the last question again.

(The record referred to was read by the reporter, as set forth above.)

Trial Examiner Lindsay: He may refresh his memory from the minutes. Hand the book to him and let him read the minutes.

Mr. Mouritsen: Let the record show I am handing the minute book to Mr. Brenes.

Q. I believe you stated that you were elected treasurer at that meeting of November 28, 1938, is that correct?      A. Yes, sir.

Q. Now, Mr. Hubbard I believe was elected president, is that correct?      A. Yes. [1923]

Q. Do you know what type of work Mr. Hubbard does for the company?

(Testimony of Samuel Brenes.)

A. He is—I don't know what his official title is, but he is a farm advisor sort of, I **think, is** what you call him.

Q. And do you know whether or not Mr. Hubbard does any work at the plant?

A. You mean any office work?

Q. Any manual work in the plant itself?

A. No.

Q. He does, however, visit the office occasionally in the morning, is that correct?

A. Yes, sir.

Q. Now, I believe that Oscar W. Busby was elected vice-president of the association, is that correct?      A. That is right.

Q. And do you know what work Mr. Oscar Busby does at the plant?

A. He works in the shop, the machine shop.

Q. And is it or is it not true that he has a number of other men to whom he gives orders and directions regarding their work?

A. I wouldn't know for sure. I don't work out there.

Q. Well, as a matter of fact, Mr. Busby is paid more than the other machinists at the plant, is he not?

Mr. Clark: Objected to on the ground it is leading and [1924] suggestive and improper re-direct examination.

Trial Examiner Lindsay: He may answer.

The Witness: I don't know Mr. Busby's salary.

(Testimony of Samuel Brenes.)

Q. (By Mr. Mouritsen) Do you know who some of the other men are who work in the machine shop at the plant?      A. Yes, sir.

Q. Will you name them, please?

A. Clyde Sitton, Bill Robinson, R. C. Springer, L. G. Robinson. I believe that is all in the machine shop. [1925]

Q. And do you know whether—strike that.

Did you keep any of the payroll records of the Company?

A. I make out the payroll weekly.

Q. As a matter of fact, Mr. Busbee isn't paid by the hour, is he?

A. I don't think he is. He is paid from Los Angeles.

Q. Well, he is paid on a monthly or a semi-monthly basis, isn't he?      A. I believe so.

Mr. Mouritsen: There are no numbers on the pages of Board's Exhibit 3, Mr. Examiner. However, I desire to direct the Examiner's attention to the page in Board's Exhibit 3 relative to O. W. Busbee.

(The document referred to was passed to Mr. Clark.)

Q. (By Mr. Mouritsen) Now, at that meeting of November 28th, 1938, Mr. Roberson was elected secretary, isn't that correct?      A. Yes, sir.

Q. And is he sometimes known as "Yankee" Roberson?      A. Yes, sir.

Q. Now, are you acquainted with the type of



(Testimony of Samuel Brenes.)

work that Yankee Roberson does at the plant?

A. Yes, sir.

Q. What type of work does he do?

A. I think it would be classed as clerical.

Mr. Clark: Mr. Mouritsen, may it be stipulated, with the [1926] Examiner's consent, that the person referred to as Yankee Robinson throughout the record thus far is the gentleman you have just named, to-wit, Yankee Roberson?

Mr. Mouritsen: That is my understanding, and I will so stipulate. In other words, it is spelled R-o-b-e-r-s-o-n.

Mr. Clark: That is true.

Q. (By Mr. Mouritsen) And he does clerical work, I believe you stated? A. Yes.

Q. Do you know whether Mr. Roberson is paid by the hour?

A. I don't think so. I think he is paid semi-monthly.

Q. Mr. Roberson, is he paid from Los Angeles or from Corcoran? A. From Los Angeles.

Q. And I believe you stated upon a monthly or semi-monthly basis; is that correct?

A. I believe so.

Q. And what type of work do you do at the plant, Mr. Brenes?

A. I do clerical work, bookkeeping.

Q. And of what does that consist other than making up the payroll, as I believe you stated?

A. Well, I have a number of duties. I handle

(Testimony of Samuel Brenes.)

the cash, make out checks, correspond with our Los Angeles office in regard to bookkeeping entries; make journal entries, adjusting various accounts.

Q. And are you paid upon an hourly basis? [1927]      A. No, sir.

Q. From where are you paid, from Los Angeles or from Corcoran?

A. From Los Angeles.

Q. And upon what basis?

A. Semi-monthly.

Q. And what do you receive per month?

Mr. Clark: I object to that as incompetent, irrelevant and immaterial.

Mr. Mouritsen: Well, I think it is very material, Mr. Examiner, in view of the fact it is one of the elements that indicate where this man's interests lie, whether he is in fact an employee, or whether he is in fact connected with the management.

Trial Examiner Lindsay: He may answer.

Mr. Clark: Mr. Examiner, there is no probative value, I submit, in that at all. He has testified that he is employed, and that is all there is to it. I was only objecting to save him from telling about his salary if he has any objection to it.

Trial Examiner Lindsay: He may answer. You may have an exception.

The Witness: Do I have to tell him, Judge?

Trial Examiner Lindsay: Yes. You are under oath.

(Testimony of Samuel Brenes.)

The Witness: I get \$190.00 a month.

Q. (By Mr. Mouritsen) Now, at that meeting, W. Willoughby [1928] was elected to the Labor Relations Committee, is that correct?

A. Yes, sir.

Q. Now, what work does Mr. Willoughby do at the plant?

A. He is a shop keeper. He has charge of the stores and materials, issuance and delivery thereof.

Q. And do you know whether he is paid from Los Angeles or from Corcoran?

A. I believe he is paid from Los Angeles.

Q. Do you know whether he is paid upon a monthly or a semi-monthly basis?

A. Yes, sir, he is.

Q. He is.

Mr. Clark: Which is he? May I have the question read, if you please?

Trial Examiner Lindsay: Yes.

(The record referred to was read by the reporter, as set forth above.)

Mr. Clark: I submit the answer is not responsive.

Trial Examiner Lindsay: Will you explain your answer? Is he paid by the month or semi-monthly?

The Witness: He is paid semi-monthly.

Trial Examiner Lindsay: Is there any difference between semi-monthly payments and monthly payments as to the amount of salary?

The Witness: Not that I know of. [1929]

(Testimony of Samuel Brenes.)

Mr. Clark: I submit that it is self-evident, Mr. Examiner.

The Witness: Not that I know of.

He receives a monthly wage, and receives his check twice a month.

Trial Examiner Lindsay: The wages are based on a monthly basis, is that not right?

The Witness: Yes, sir.

Trial Examiner Lindsay: The only difference is the check is paid twice a month, is that right?

The Witness: That is right.

Trial Examiner Lindsay: All right.

Mr. Mouritsen: Now, Mr. Examiner, as I stated before, there are no page numbers in Board's 3, but I desire to direct the Examiner's attention to the page in Board's Exhibit 3 which bears the name "W. F. Willoughby."

Trial Examiner Lindsay: How is that spelled? [1930]

Mr. Mouritsen: W-i-l-l-o-u-g-h-b-y.

Q. And I believe Mr. McKeever was elected a member of the Labor Relations Committee at that meeting of November 28, 1938, was he not?

A. Yes, sir.

Q. And what work does Mr. McKeever do at the plant?

A. Experimental work in the raising of crops.

Q. Is he known as an agronomist?

A. I guess that is what you call him.

Q. And do you know whether he is paid on the hourly rate?

(Testimony of Samuel Brenes.)

A. I believe he is paid monthly, too.

Mr. Mouritsen: I also direct the Examiner's attention to Board's 3, on the page bearing the name "McKeever."

Trial Examiner Lindsay: What is the first name, please?

The Witness: H. G. are his initials.

Trial Examiner Lindsay: How is that spelled?

The Witness: M-c-K-e-e-v-e-r.

Mr. Mouritsen: And in Board's 3 it is also "H. G."

Q. Now, other than the men that we have already named, that is, Hubbard, Busby, Roberson, Brenes, Willoughby, Loyd and McKeever, are there any other officers of the independent union?

A. These are the officers first elected. Since then we have had another election.

Q. And—— [1931]

A. (Interrupting): Some of these men are no longer officers.

Q. Well, when were these other officers elected, do you know?

A. At our regular annual meeting that was held on April 5th of this year.

Q. And do you have minutes of that meeting?

A. Yes, sir.

Q. Will you indicate where they are?

(The document referred to was passed to Mr. Mouritsen.)

Q. (By Mr. Mouritsen) Now, at the subsequent

(Testimony of Samuel Brenes.)

election of officers which was held on or about April 5, 1939, I believe Bill Willoughby was elected president, is that correct?      A. Yes, sir.

Q. And we have already discussed Mr. Willoughby's work at the plant, is that correct?

A. Yes, sir.

Q. Now, I believe Bill Nichols was elected vice-president, is that correct?      A. That is right.

Q. What type of work does Bill Nichols do at the plant?      A. He is a carpenter.

Q. And do you know whether or not he is paid an hourly or a monthly rate?

A. He is paid at the hourly rate.

Q. He is paid in Corcoran, is that correct? [1932]      A. Yes, sir.

Q. That is—as a matter of fact, the great majority or, I will say, practically all of the employees at the plant are paid at an hourly rate, isn't that correct?      A. That is right.

Q. That is, all of the employees who are engaged in physical work at the plant are paid the hourly rate, is that correct?

Mr. Clark: I object to that upon the ground it is ambiguous and vague as to physical work. I suppose that physical work involved in the keeping of books or office work is just as responsive to that description as digging with a shovel.

Trial Examiner Lindsay: Do you understand the question, Mr. Witness, when he uses the term "physical"?



(Testimony of Samuel Brenes.)

The Witness: Roughly I do, yes. I think I know what he means.

Trial Examiner Lindsay: What does he mean?

The Witness: Men working out in the plant, ordinarily considered labor.

Trial Examiner Lindsay: All right. Proceed.

Mr. Mouritsen: I think the witness understood it better than Mr. Clark.

Mr. Clark: That might be true.

Q. (By Mr. Mouritsen) Mr. McKeever was elected secretary on or about April 5, 1939, is that correct? [1933] A. That is right.

Q. Then you were elected treasurer, is that correct? A. Yes, sir.

Q. Now, on the Labor Relations Committee, William Overstreet was elected, is that correct?

A. Yes, sir.

Q. And what work does he do at the plant?

A. He is from our Tipton plant although he comes to Corcoran during the summer time, during the slack season. Over at Tipton he works in the gin.

Q. Do you know what type of work Mr. Overstreet does over at Tipton?

A. Not exactly. I think he works in the gin there.

Q. Well—strike that.

Are the Tipton employees paid through the Corcoran office? A. No, sir.

Q. How are they paid, if you know?

A. I believe they are paid in Tipton.

(Testimony of Samuel Brenes.)

Q. You don't have anything to do with making out that payroll, is that correct? A. No, sir.

Q. I believe Bruce Clark was also elected on the Labor Relations Committee, is that correct?

A. Yes, sir. [1934]

Q. What type of work does Bruce Clark do, if you know?

A. I believe he is an electrician.

Q. And at the Corcoran plant of the company?

A. Yes, sir.

Q. Do you know how he is paid, whether by an hourly rate or on a monthly basis?

A. An hourly rate.

Q. And Sam Robinson was also elected on the Labor Relations Committee, is that correct?

A. Yes, sir.

Q. What type of work does Sam Robinson do?

A. During the ginning season I believe he is a ginner; during the slack season he does miscellaneous work around the plant, painting and so forth.

Q. Do you know how or upon what basis Mr. Sam Robinson is paid?

A. He is paid on an hourly basis.

Q. Now, Mr. Joe Hammond and Tom Hammond, are they paid from Corcoran or from the Los Angeles office?

A. They are paid from Los Angeles.

Q. They—do you have anything to do with the keeping of the Social Security Records of the com-

(Testimony of Samuel Brenes.)

pany that have been introduced in evidence as Board's Exhibit 3?      A. No.

Q. Now I will ask you if R. B. Loyd is a member of the Em- [1935] ployees' Association.

A. He is.

Q. And is he also known as "Rube" Loyd?

A. Yes, sir.

Q. Do you know whether or not he has ever held any office in the Employees' Association?

A. He was a member of the Labor Relations Committee. [1936]

Q. Do you know whether or not J. I. Mize—M-i-z-e—is a member of the Employees' Association?      A. Yes, sir.

Q. How do you pronounce that?      A. Mize.

Q. Has he ever held any office in the Employees' Association to your knowledge?

A. No, he hasn't except as a committee member.

Q. Other than the Labor Relations Committee, has the Employees' Association had any other committees?      A. Yes, sir.

Q. What other committees have they had in the past?

A. The Membership Committee, the Social Committee, Nominating Committee. I believe there is one more, Finance Committee.

Q. Has the J. G. Boswell Company Employees' Association of Corcoran and Tipton ever obtained any working agreement with the Company relative to working conditions or hours of work, or wages, or conditions of work?      A. No, sir.

(Testimony of Samuel Brenes.)

Q. Have they ever obtained anything in writing or any document purporting to govern the wages to be paid to the employees? A. No, sir.

Q. Have they—hasn't the Employees' Association ever obtained anything in writing or what purports to be an agreement [1937] relative to wages, or other conditions of work? A. No, sir.

Q. Do you know whether or not any meetings have been held between representatives of the Employees' Association and representatives of the Company for the purpose of discussing wages or working conditions, or hours of work?

A. Not to my knowledge.

Q. And no such report has ever been made at any meeting that you have attended of the Employees' Association? A. No, sir.

Q. Have you—have any committees ever been authorized to go into such matters at any meetings of the Employees' that you have attended?

A. No, sir.

Q. Now, directing your attention again to the first meeting of the employees held on or about November 18th, 1938, at which an Independent Union was discussed, I will ask you if you saw at that time Mr. Gordon Hammond present in the plant? A. (Pause.)

Q. Understand, not in the meeting, but in the plant elsewhere?

A. I do not remember that I did.

Q. On that evening, did you see Mr. Louis T.

(Testimony of Samuel Brenes.)

Robinson present in the plant, but not at the meeting?  
A. No, sir. [1938]

Q. Now, Mr. Brenes, I believe—strike that.

Was the payment of the attorney for drafting up the constitution and by-laws ever authorized at any meeting of the Employees' Association?

A. I don't believe there was any formal authorization except that the treasurer and the president are authorized to make disbursements for the Association.

Q. Well, will you look through the minute book that you have with you and see if you can find in the minutes of any meeting any authorization for the payment of the attorney's fees for drafting the constitution and by-laws that are Board's Exhibit 18?

Mr. Clark: I will object to that on the ground it is incompetent, irrelevant and immaterial; a matter like that rests within the implied powers of the officers of any organization to pay the current bills.

Trial Examiner Lindsay: He may answer.

The Witness: At a meeting of the Governing Board held on December 7th, there appears a motion made by Mr. McKeever and seconded by Mr. Busbee "to deposit money of the Association in the First National Bank of Corcoran, and to authorize money by checks signed by the treasurer and counter-signed by the president or vice-president." The motion was unanimously carried. [1939]

(Testimony of Samuel Brenes.)

Q. (By Mr. Mouritsen) But there was never any authorization other than the one that you have indicated to make the payment to the attorney for drafting Board's Exhibit 18, is that correct?

A. No, sir.

Mr. Clark: The same objection, may it please your Honor—or, I move to strike the answer on that ground, and take the ruling.

Trial Examiner Lindsay: Motion denied.

Q. (By Mr. Mouritsen) Now, do you recall, Mr. Brenes, when payment was made to the attorney for his services in connection with the drafting of the constitution and by-laws?

A. I don't remember the exact date. It was several weeks after that first meeting that was held.

Q. And payment was made by yourself, is that correct?

A. Yes, sir.

Q. Was payment made in a lump sum or was it made in several installments?

A. It was made in one check.

Q. And where were the moneys of the independent union on deposit?

A. In the bank here in Corcoran.

Mr. Mouritsen: You may inquire.

Mr. Clark: May it please your Honor, may I suggest a recess at this time? It is a quarter after three, and I would [1940] like time to look through some of these documents which Mr. Brenes has.

Trial Examiner Lindsay: I have seven minutes after 3:00. Am I wrong?



(Testimony of Samuel Brenes.)

Mr. Clark: I think you are wrong. I think this is right.

(At this point a short recess was taken, after which the proceeding was resumed as follows:)

Trial Examiner Lindsay: Hearing called to order.

Mr. Clark: Shall I proceed, Mr. Lindsay?

Trial Examiner Lindsay: Yes.

Cross Examination

Q. (By Mr. Clark) Now, Mr. Brenes, am I correct in stating that in response to the request made upon you by counsel for the Board you have brought to court here this afternoon, and have produced for their inspection, the following documents: First, a complete set of the minutes of all the meetings held by the Employees' Association?

A. Yes, sir.

Q. Is that right? A. Yes, sir.

Q. Secondly, a true copy of the constitution and by-laws of the Employees' Association, together with all amendments up to the present time and a list of members as of November 28, 1938?

A. Yes, sir.

Q. And that is the document which has been marked Board's [1941] Exhibit 18, is that correct?

A. Yes, sir.

Trial Examiner Lindsay: That is been received.

Mr. Clark: Received, I mean. Yes.

(Testimony of Samuel Brenes.)

Q. Next the complete financial records of the Employees' Association, together with a financial statement as of May 18, 1939, is that true?

A. Yes, sir.

Q. And am I correct in stating that you have turned all these documents over to the gentlemen representing the Board for their examination?

A. Yes, sir.

Q. Now, first off, let me ask you whether the financial records which you have submitted to counsel for the Board constitute a complete record of all the finances of this Employees' Association.

A. They do.

Q. And will you please tell us from where the finances of your Association are derived?

A. From the members.

Q. And at what rate, please?

A. The initiation fees are \$2.00 a month and the membership dues are 50 cents a month.

Q. All right.

Will you state, Mr. Brenes, whether or not at any time, or [1942] in any way, shape or form, the J. G. Boswell Company has made any financial contribution whatsoever to your Association.

A. No, sir.

Q. Now, directing your attention to the minute book from which you testified in part, in response to Mr. Mouritsen's questions, I will ask you to tell us how many members, that is, just the number of members which appear—may I withdraw that, Mr. Examiner?

(Testimony of Samuel Brenes.)

Directing your attention to the minute book, Mr. Brenes, concerning which you were examined in part by Mr. Mouritsen, I will ask you to tell us how many employees of the J. G. Boswell Company attended the organization meeting of November 28, 1938, at this hall. Will you please count them?

A. (Examining document) 77.

Q. All right.

And am I correct in stating that among those persons who so attended this organization meeting on November 28, 1938, were the following persons, among others: Eugene Clark Ely?

A. Yes, sir.

Q. Joe Briley? A. Yes, sir.

Q. Ygnacio Galvan? A. Yes.

Q. Andrew Galvan? A. Yes, sir. [1943]

Q. Now, do you find in your minute book, Mr. Brenes, any list of such further members—withdraw that.

Do you find in your minute book any persons who have become members of the Employees' Association since November 28, 1938?

A. Yes. [1944]

Q. Will you tell us how many such persons there are? A. Twenty-three.

Q. And can you tell us as of what date those twenty-three people became members or were members of the Employees' Association?

A. Since November 28th.

(Testimony of Samuel Brenes.)

Q. Well, just approximately can you fix it on this side of November 28th, or backwards from today? A. About May 1st, I should say.

Q. About May 1st of this year; is that right?

A. Yes.

Q. Will you please tell me whether I am correct in stating that the following persons are included in this last list which you have referred to and became members of the Employees' Association since November 28th of last year?

M. Escobado? A. Yes.

Q. Lawrence Galvan? A. Yes.

Q. P. Galvan? A. Yes, sir.

Q. Among others, is that right?

A. That is right.

Q. Did you tell me how many persons?

Trial Examiner Lindsay: Twenty-three. [1945]

Mr. Clark: Twenty-three. Very well.

Q. I next direct your attention, Mr. Brenes, to what purports to be a letter appearing in the minute book which you have produced at this hearing, which letter is dated November 29th, 1938, addressed J. G. Boswell Company, 354 South Spring Street, Los Angeles, and signed J. G. Boswell Company Employees' Association, by blank, president, and blank, secretary, under which is the reference, "Copy to J. G. Boswell Company, Corcoran, California."

Am I correct in stating that the letter to which I refer, or rather, a copy of it, is set forth in the minutes of a meeting of the Governing Board of

(Testimony of Samuel Brenes.)

the Employees' Association on November 29th, 1938?      A. Yes, sir.

Q. Do you know of your own knowledge whether or not the original of the letter referred to was, in fact, mailed to the J. G. Boswell Company in Los Angeles?      A. Yes, sir.

Q. Very well.

I would like to read that part of the minutes into the record, Mr. Examiner.

“Corcoran, California, November 29th, 1938.

“J. G. Boswell Company, 354 South Spring Street, Los Angeles, California.”

Mr. Mouritsen: May I object to the reading of this on [1946] the ground it is a self-serving statement. I have no objection other than that.

Mr. Clark: Submit it.

Trial Examiner Lindsay: You may read it.

Mr. Clark: “Gentlemen: Please take notice that at 7:00 o'clock P. M.”—or “7:00 P. M., November 28th, 1938, at the American Legion Hall in Corcoran, California, seventy-eight employees of the J. G. Boswell Company at Corcoran organized themselves into an Employees' Association under the National Labor Relations Act and unanimously adopted a constitution and by-laws by which they are to be governed.

“This constitutes about ninety-five per cent of the Corcoran employees.

“The following officers were elected, and constitute a Governing Board of the Association: Presi-

(Testimony of Samuel Brenes.)

dent, J. W. Hubbard; Vice-president, O. B. Busbee; Secretary, E. M. Roberson; Treasurer, S. F. Brenes; Labor Relations Board, R. B. Lloyd, W. F. Willoughby, H. G. McKeever. Very truly yours, J. G. Boswell Employees' Association. Blank, president, and blank, secretary."

Q. Now, I will further direct your attention, Mr. Brenes, to what purports to be the minutes of a meeting of December 7th, 1938, and I will ask you whether in addition to the resolution, or rather the motion which you read into the record in response to a question put to you by Mr. Mouritsen [1947] with respect to authorizing the expenditure of funds, the following motion was also made, seconded and carried:

"A motion was made by Mr. McKeever and seconded by Mr. Lloyd that the Secretary and/or Treasurer be authorized to make purchases for the Association subject to the approval of the Executive Committee. The motion was unanimously carried." A. Yes.

Q. Your answer is Yes? A. Yes.

Q. Is it pursuant to that motion that the secretary or treasurer of the corporation has since that date expended funds of the organization?

A. Yes, sir. [1948]

Mr. Clark: And may that question be amended, Mr. Examiner, to eliminate the word "corporation" that I used and insert the word "organization." I think I said corporation inadvertently.



(Testimony of Samuel Brenes.)

Trial Examiner Lindsay: Is that what it is there?

Mr. Clark: It is "association" here.

Trial Examiner Lindsay: Use it as it is there.

Mr. Clark: That is what I want in there, but in my question I said "corporation" inadvertently.

Trial Examiner Lindsay: Off the record.

(Here followed discussion off the record.)

Trial Examiner Lindsay: On the record.

Mr. Clark: Shall I proceed?

Trial Examiner Lindsay: If you wish.

Mr. Clark: Very well.

Q. I will also direct your attention, Mr. Brenes, to the minutes of a special meeting of the governing board of J. G. Boswell Company Employees' Association of Corcoran and Tipton held on January 11, 1939, and I will ask you whether or not the copy of a letter dated January 11, 1939, addressed to the National Labor Relations Board, Twenty-First Region, 610 South Main Street, Los Angeles, California, and signed J. G. Boswell Company Employees' Association of Corcoran and Tipton, which appears or which is set out in these minutes, is a true copy of an original letter which was, in fact, sent to [1949] the National Labor Relations Board on January 11, 1939?           A. It is.

Q. All right.

Now, do you know of your own knowledge that the original was sent?           A. Yes, sir.

Q. All right.

(Testimony of Samuel Brenes.)

Mr. Mouritsen: May I ask a few questions on voir dire?

Mr. Clark: Surely.

Voir Dire Examination

Q. (By Mr. Mouritsen) This letter, the copy of which you have identified, did you ever see the original? A. Yes, sir.

Q. Did you sign the original?

A. I don't recall whether the whole board did or just the secretary.

Mr. Clark: May I demand the original from you if you have it? It was sent to your client, the National Labor Relations Board, Twenty-First Region.

Q. (By Mr. Mouritsen) Now, Mr. Brenes, did you ever compare the original letter with this letter that is contained in the minutes?

A. Not verbatim.

Q. You never made a comparison to see if it was an exact copy or not, is that correct? [1950]

A. It was read in the minutes from the letter.

Q. You didn't compare it, though, after that time, to see whether the reading was correct or not?

A. The letter was read and entered into the minutes. I imagine it was an exact copy of the letter.

Q. But you never made the comparison, is that correct? A. Yes.

Mr. Clark: At this time I will demand from counsel of the Board, if they have it in their possession, an original letter dated January 11, 1939,

(Testimony of Samuel Brenes.)

addressed to the National Labor Relations Board, Twenty-First Region, 610 South Main Street, Los Angeles, California, and signed J. G. Boswell Company Employees' Association of Corcoran and Tipton.

Mr. Mouritsen: I will object to any such letter on the ground that after all Mr. Clark has stated that his only objection to the introduction of this type of evidence was for the purpose of disproving any connection between the company and the Association; that all of his objections that he made were upon behalf of merely the Associated Farmers and the Telephone Exchange. I submit, Mr. Examiner, this is immaterial inasmuch as the material he seeks to adduce is not probative of any of those issues inasmuch as it is not concerning the connection between the employees' Association and the company or any of the other respondents that he desires or that he represents; and furthermore the witness on the stand has stated [1951] that he doesn't want Mr. Clark to represent him and that, therefore, Mr. Clark is doing a gratuitous service unwanted by the witness.

Mr. Clark: I am not purporting to represent this gentleman or the Employees' Association and I simply seek to get the letter referred to, which is one of January 11 of this year in on the issue, Mr. Examiner, or rather to show by the statement of this third party, this Employees' Association, to the Board, that the Boswell Company has no connection with it and nothing whatsoever to do with that

(Testimony of Samuel Brenes.)

organization so far as any domination of it is concerned or with respect to any of the other charges which are made against it in this proceeding, and I submit it is entirely relevant on that issue. I will renew my demand.

Mr. Mouritsen: I will object to the introduction of the record upon the ground it is merely a self-serving declaration.

Mr. Clark: It can't be self-serving, as it does not come from us.

Mr. Mouritsen: This is the difficulty: Mr. Clark does not represent the Employees' Association and he is attempting to get information that has no bearing upon any participation that he has in this case *in*.

Mr. Clark: All through this record the rankest sort of hearsay has been allowed in. [1952]

Trial Examiner Lindsay: On both sides.

Mr. Clark: I am just asking leave to put in another statement such as that which does not come from us.

Trial Examiner Lindsay: Just a moment.

Mr. Walsh: We will submit it. We will submit it to the Examiner for a ruling. I may state that we do not have the letter in our possession.

Trial Examiner Lindsay: Well, if Mr. Clark wishes to take that position, he may introduce the letter.

Mr. Walsh: May I suggest that Mr. Clark read it in because it is a part of the files and we would not like to take it out of the files.

(Testimony of Samuel Brenes.)

Mr. Clark: Thank you.

Trial Examiner Lindsay: In submitting that record, I am only ruling upon that one particular letter that is in the file.

Mr. Clark: I won't look at the rest of their file, Mr. Examiner. You need not be afraid of that. I will read this into the record, the letter that has just been produced by counsel for the Board.